

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF)
) Docket No. CWA-04-2007-4528
Heritage Partners, LLC)
Heritage Park Phase II)
)
Respondent.)
_____)

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HEARING CLERK

NOTICE AND ORDER

The above matter under Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), has been docketed and the undersigned, as you were notified, has been designated Presiding Officer. This proceeding will be conducted in accordance with the Environmental Protection Agency's (EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Part 22) published at 64 Fed. Reg. 40138(July 23, 1999). Correspondence with or service upon the Presiding Officer shall be directed to:

Susan B. Schub, Esq.
U.S. Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303
Tel No. (404) 562-9586
FAX (404) 562-9487

A review of the record indicates that the Administrative Complaint was filed with the Regional Hearing Clerk on June 19, 2007. Thereafter, on July 24, 2007, Respondent filed a Response to the Complaint. Therefore, this matter is ripe for the scheduling of further proceedings.

40 C.F.R. § 22.19(b), provides that the Presiding Officer, at any time before the hearing begins, may direct the parties to participate in a conference. For that purpose, a prehearing telephone conference will be held on **Thursday, November 15, 2007, commencing at 10:00 a.m. Eastern Time**. The call will be initiated by the undersigned. **If a party cannot participate in the call, please contact me immediately.** In doing so, please take notice of Section 22.08 of the Proposed Rules prohibiting any discussion with the Presiding Officer, ex parte the merits of this proceeding.

IT IS ORDERED, that prior to the conference:

2. The Respondent and the Complainant continue to explore settlement and the possibility of stipulating to facts and procedural matters.

IT IS FURTHER ORDERED, that in the conference call, the parties shall be prepared to discuss any relevant questions including:

1. The status, but not the content of settlement negotiations;
2. The necessity or desirability of amendments to pleadings;
3. The exchange of exhibits, documents, prepared testimony, and admissions or stipulations of fact which will avoid unnecessary proof;
4. The limitation of the number of expert or other witnesses;
5. The time and place for the hearing;

And

6. Any other matters which may expedite the disposition of the proceedings.

If either party has any questions concerning this order, please contact my office immediately.

Date: 10/29/07


Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Notice and Order, in the Matter of Heritage Partners, LLC, Heritage Park Phase II, Docket No., CWA-04-2007-4528, on the parties listed below in the manner indicated:

James Stevens, Esq.
1200 20th Street South
Suite 200
Birmingham, Alabama 35205

(Certified Mail – Return
Receipt Requested)

Judy Marshall, Esq.
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via Intra-Office Mail)

Date: 10-29-07



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9511