

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

2008 JUN 27 PM 1:17

In the Matter of:)	Proceeding to Assess a
)	Civil Penalty under Section
City of St. Charles, A Municipal)	113(d) of the Clean Air Act,
Corporation, Operating As --)	42 U.S.C. §7413(d)
Saint Charles Wastewater)	
Treatment Facility)	
1404 S. Seventh Ave.)	
St. Charles, Illinois 60174)	
)	
Respondent)	
<hr/>)	Docket No. CAA-05-2008-0003

**PRE-HEARING EXCHANGE OF THE ADMINISTRATOR'S
DELEGATED COMPLAINANT**

In compliance with the Prehearing Order of the Presiding Officer, entered on May 22, 2008, the Administrator's Delegated Complainant submits this Prehearing Exchange.

(A) WITNESSES WITH BRIEF NARRATIVE SUMMARY OF TESTIMONY

1. Brief Narrative Statement of Monkia Chrzaszcz. Attachment A.
2. Brief Narrative Statement of Dorothy McManus. Attachment B.

(B) COPIES OF DOCUMENTS AND EXHIBITS TO BE PRESENTED AT HEARING

3. Letter from the U.S. Department of Justice to U.S. EPA, dated November 13, 2007. Attachment C.
4. Risk Management Plan of the City of St. Charles (the City). Attachment D.
5. Cover Letter of the City, dated May 28, 1999, submitting its initial Risk Management Plan. Attachment E.
6. Notification to the City of the receipt of the City's initial Risk Management Plan by the U.S EPA, Office of Solid Waste and Emergency Response. Attachment F.
7. Handwritten notes of U.S. EPA Inspector Chrzaszcz, documenting inspection of the City's Wastewater Treatment Plant, on August 31, 2004. Attachment G.

8. Risk Management Program Inspection Report of Inspector Chrzaszcz, documenting inspection of the City's Wastewater Treatment Plant, on August 31, 2004. Attachment H.
9. Formal record of proposed findings and alleged violations made by Inspector Chrzaszcz, documenting inspection of the City's Wastewater Treatment Plant, on August 31, 2004. Attachment I.
10. Letter of Clifford L. White, Jr., Environmental Services Superintendent of the City's facility, dated October 1, 2004, without attachments. Attachment J.
11. Purchase Requisition/Purchase Order of the City of St. Charles, No. 089368, dated February 3, 2006. Attachment K.
12. Agency for Toxic Substances & Disease Registry (ATSDR), Toxicological Profile Information Sheet. Attachment L.
13. ATSDR, Public Health Statement for Chlorine (September 2007). Attachment M.

(C) PLACE OF HEARING AND TIME REQUIREMENTS

The Administrator's Delegated Complainant suggests that the hearing be held in Chicago, Illinois, or St. Charles, Illinois. Enforcement staff estimate that the presentation of Complainant's case-in-chief may take up to 3 or 4 hours.

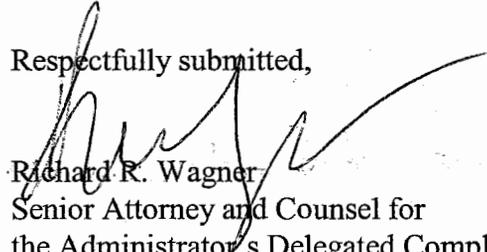
(D) ADDITIONAL SUBMISSIONS REQUIRED OF COMPLAINANT

14. Combined Enforcement Policy for Section 112(r) of the Clean Air Act, issued by the U.S. EPA Office of Regulatory Enforcement and the Office of Enforcement and Compliance Assurance (undated). Attachment N.
15. Policy on Civil Penalties and Framework, #GM-21 and #GM-22 (February 16, 1984). Attachment O.
16. Analysis in Support of the Penalty Amount Proposed. Attachment P.
17. Paperwork Reduction Act Statement

In amending the Chemical Accident Prevention Rule, codified at 40 C.F.R. Part 68, the Administrator addressed his agency's obligations under the Paperwork Reduction Act, and public comments received on the issue. 64 Fed. Reg. 964, 976-77 (January 6, 1999).

The current applicable OMB control number for 40 C.F.R. § 68.12, which sets out the general requirements of the rule, is 2050-0144.

Respectfully submitted,



Richard R. Wagner
Senior Attorney and Counsel for
the Administrator's Delegated Complainant

**In Re City of St. Charles, A Municipal Corporation,
Operating as Saint Charles Wastewater Treatment Facility
No. CAA-05-2008-003**

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V

2008 JUN 27 PM 1:17

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of the **Pre-hearing Exchange of the Administrator's Delegated Complainant** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service.

I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

Honorable Susan A. Biro, Chief ALJ
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

I further certify that I then caused true and correct copies of the filed document to be sent to the following, by mail:

Roy M. Harsch
Drinker Biddle & Reath
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606

June 27, 2008



Donald E. Ayres (C-14J)
Paralegal Specialist
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 353-6719