

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2013 MAY -9 PM 12: 33

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )  
)  
Richard Smith, Owner )  
Lodore Supper Club and Saloon )  
Sheridan, Wyoming )  
)  
Respondent. )  
)  
\_\_\_\_\_ )

Proceeding under Section 1414(g)  
of the Safe Drinking Water Act,  
U.S.C. § 300g-3(g)  
  
Docket No. SDWA-08-2012-0056

**ORDER**


On May 2, 2013, Complainant filed a Motion to Show Cause as to why Respondent has not submitted its Prehearing Exchange. The Motion requests that Respondent be ordered to show why a default order assessing a penalty of \$1,200 should not be issued. In the alternative, Complainant requests Respondent explain why he should be allowed to introduce evidence at the hearing on this matter since the prehearing exchange deadline was missed.

On the same day Complainant's Motion was filed, May 2, 2013, the parties participated in a pre-hearing conference pursuant to 40 C.F.R. §22.19(b). During the conference, Respondent explained he submitted his Prehearing Exchange to the Agency but it had not been filed with the Regional Hearing Clerk. Based on this information, I allowed Respondent to re-send and file his Prehearing Exchange with the Regional Hearing Clerk on or before May 15, 2013. Respondent also must inform the Presiding Officer and the Complainant if he intends to have any witnesses testify at the hearing, and if so, the names of those he intends to call.

During the prehearing conference, the parties also discussed the location and potential dates for the hearing. The parties are to provide dates that they are unavailable for a hearing during the months of July-September, 2013.

Accordingly, Complainant's Motion to Show Cause is **DENIED**. The parties are ordered to provide the information, as noted above, by May 15, 2013.

**SO ORDERED**, this 9<sup>th</sup> day of May, 2013.

  
Elyana R. Sutin  
Regional Judicial Officer  
Region 8

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER** in the matter **RICHARD SMITH, OWNER LODORE SUPPER CLUB AND SALOON; DOCKET NO.: SDWA-08-2012-0056** was filed with the Regional Hearing Clerk on May 9, 2013.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Margaret "Peggy" Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. A true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt requested on May 9, 2013, to:

Rick Smith, Owner  
Lodore Supper Club and Saloon  
P. O. Box 6044  
Sheridan, WY 82802

And e-mailed to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
U. S. Environmental Protection Agency – Region 8  
1595 Wynkoop Street  
Denver, CO 80202

May 9, 2013



Tina Artemis  
Paralegal/Regional Hearing Clerk

