5/5/2022

1:45PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

Received by EPA Region VIII Hearing Clerk

IN THE MATTER OF:	Proceeding under Section 1319(g)
The City of Helena, Montana	of the Clean Water Act, 33 U.S.C. § 309(g)
	DOCKET NO.: CWA-08-2021-0017
Respondent.	

ORDER

PLEASE TAKE NOTICE Respondent filed a *Motion to Stay Proceedings* on January 11, 2022, requesting a stay of proceedings while a matter is pending in the United States District Court for the District of Montana under Case No. 6:21-cv-00088-SEH, filed November 16, 2021. On Wednesday, January 26, 2022, Complainant filed a *Response to Respondent's Motion to Stay Proceedings* requesting a stay of proceedings until March 28, 2022, because the complaint had not yet been served on the United States. On March 28, 2022, the parties filed a *Joint Status Report* requesting an additional extension of the stay of proceedings, until April 28, 2022, to discuss settlement. These proceedings were stayed until April 28, 2022, at which time the Complainant filed a *Status Report* indicating that settlement had not been reached. The Complainant requested alternative dispute resolution pursuant to 40 C.F.R. §22.18 and proposed deadlines for this proceeding.

No later than **May 12, 2022**, the Respondent is ordered to file a Status Report advising me of the following:

• Respondent's interest in participating in alternative dispute resolution pursuant to 40 C.F.R. §22.18.

 If Respondent objects to the dates proposed by the Complainant, the mutuallyagreed upon proposed deadlines for these proceedings, after consultation with the Complainant.

Any questions concerning this Order should be directed to R8_Hearing_Clerk@epa.gov. SO ORDERED THIS 5th day of May, 2022.

KATHERIN HALL Digitally signed by KATHERIN HALL Date: 2022.05.05 13:40:36 -06'00'

Katherin E. Hall Regional Judicial Officer

CERTIFICATE OF SERVICE

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Peggy Livingston, Enforcement Attorney, and sent via certified receipt email on May 5, 2022, to:

Respondent

Catherine A. Laughner Browning, Kaleczyc, Berry & Hoven, P.C. cathyl@bkbh.com

SHEA LOVE Digitally signed by SHEA LOVE Date: 2022.05.05 15:18:48 -06'00'

May 5, 2022

Shea Love Regional Hearing Clerk