

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JUL -3 PM 3:27

IN THE MATTER OF:)
)
City of Dupree, South Dakota)
Dupree, South Dakota)
NPDES Permit No. SDG589116)
Respondent.)
)
)
)
)

Proceeding Under Section 309(g)
of the Clean Water Act,
U.S.C. § 1319(g)

Docket No. CWA-08-2011-0040

FILED
EPA REGION VIII
WASHINGTON, D.C.

ORDER FOR THIRD PREHEARING CONFERENCE CALL

On April 26, 2012, the parties had a Second Prehearing Conference Call to discuss the status of this matter. On the same day, this court issued an order that set forth the schedule for the parties to file their respective Prehearing Exchanges. Based on discussions during the conference call and the order, the City of Dupree, Respondent, was to file its Prehearing Exchange on June 11, 2012.¹ Respondent did not file its Prehearing Exchange until June 22, 2012, ten days late. U.S. Environmental Protection Agency (EPA), Complainant, was to file its Rebuttal Prehearing Exchange by June 25, 2012. Given Complainant did not have adequate time to prepare its rebuttal, this court grants Complainant until July 13, 2012.

Furthermore, pursuant to 40 C.F.R. § 22.19(b), a prehearing conference will be held within two weeks after the completion of prehearing exchange to determine if any additional discovery is necessary and to schedule a hearing date.

ORDER

1. Complainant's Rebuttal Prehearing Exchange is due **July 13, 2012**;
2. Third Prehearing Conference will be held on **July 26, 2012**. The place and time is yet to be determined.

SO ORDERED This 31st Day of July, 2012.



Elyana R. Sutin
Presiding Officer

¹ The City of Dupree filed its Prehearing Exchange electronically and not in accordance with the rules set forth at 40 C.F.R. Part 22. The Consolidated Rules of Practice indicate that the original and one copy of each document intended to be part of the record shall be filed...40 C.F.R. 22.5. In addition, all parties must be served the documents. 40 C.F.R. 225(b). In the future, Respondent needs to follow the rules and comply with court deadlines.

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER FOR THIRD PREHEARING CONFERENCE CALL** in the matter of **CITY OF DUPREE, SOUTH DAKOTA; DOCKET NO.: CWA-08-2011-0040** was filed with the Regional Hearing Clerk on July 3, 2012.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, Senior 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 and e-mailed on July 3, 2012, to:

Eric H. Bogue
Bogue & Bogue, LLP
Butler Insurance Building, Suite 2
104 West 1st Street/P. O. Box 250
Faith, SD 57626-0250
boguelaw@faithsd.com

e-mailed to:

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

June 3, 2012



Tina Artemis
Paralegal/Regional Hearing Clerk

