

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 APR 23 AM 10:49

FILED
EPA REGION VIII
RECORDS CLERK

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

Docket No. CWA-08-2011-0040

COMPLAINANT'S MOTION FOR SHOW CAUSE

COMES NOW Complainant, United States Environmental Protection Agency, Region 8, by and through its undersigned attorney, and moves pursuant to 40 C.F.R. § 22.19(g) of the 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 and the Order to File Prehearing Information Exchange (Order) issued by the presiding officer on January 12, 2012, for an order directing the Respondent to show cause at the upcoming Second Prehearing Conference on April 26, 2012, why it should not be found in default for failing to submit a prehearing exchange on or before March 29, 2012, as required by the Order. 40 C.F.R. § 22.19(g), *Failure to exchange information*, provides in part that where a party fails to provide information within its control as required pursuant to this section, the presiding officer may issue a default order under § 22.17(c).

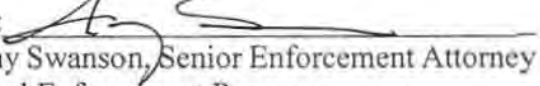
WHEREFORE, Complainant respectfully moves the Regional Judicial Officer to finalize the place and time for the second prehearing conference on April 26, 2012; at which time order the Respondent to show cause why a default order should not be issued against it for failing to comply

with the Order and 40 C.F.R. § 22.19 directing the Respondent to file a prehearing exchange on or before March 29, 2012.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 7.23.2012

By: 
Amy Swanson, Senior Enforcement Attorney
Legal Enforcement Program
EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, Colorado 80202-1129
Telephone: (303) 312-6906

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the COMPLAINTANT'S MOTION TO SHOW CAUSE was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

Via hand-delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

and via electronic and first class U.S. mail to:

Eric H. Bogue, Attorney
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P.O. Box 400
Dupree, SD 57623-0404
boguelaw@faithsd.com

Date: April 23, 2012

By:

Judith M. McTernan