



Peggy  
Livingston/ENF/R8/USEPA/US  
S

11/14/2007 08:43 AM

To Tina Artemis/RC/R8/USEPA/US@EPA

cc scottgarland@jhlaw.com

bcc

Subject High Country - Docket No. SDWA-08-2007-0079

2007 NOV 14 AM 10:56

EPA REGION VIII  
HEARING CLERK

Ms. Artemis:

This email is in response to the October 30, 2007 Notice and Order issued by Regional Judicial Officer Elyana R. Sutin.

Scott Garland, attorney for the Respondent in this action, and I are available for a telephone conference any of the following dates and times:

Monday, Nov. 26, any time  
Tuesday, Nov. 27, 8:30 am to 10 am or noon to 2:30 pm  
Wednesday, Nov. 28, any time  
Thursday, Nov. 29, any time  
Friday, Nov. 30, any time  
Monday, Dec. 1, any time

Thank you.

Peggy Livingston  
Senior Enforcement Attorney  
1595 Wynkoop Street  
Denver, CO 80202-1129  
303-312-6858 (phone)  
303-312-7202 (fax)

Please note new street address and fax number.



"Scott Garland"  
<scottgarland@jhlaw.com>

11/14/2007 08:37 AM

Please respond to  
<scottgarland@jhlaw.com>

To: Peggy Livingston/ENF/R8/USEPA/US@EPA

cc: Tina Artemis/RC/R8/USEPA/US@EPA

bcc:

Subject: RE: EPA drinking water case - High Country

2007 NOV 14 AM 10:57

EP. REVIEW VILL  
HEARING CLERK

R. Scott Garland  
Moore Myers & Garland, LLC  
P. O. Box 8498  
235 E. Broadway  
Jackson, WY 83002  
(307) 733-8668 (Ph.) - (307) 733-3220 (Fax)  
scottgarland@jhlaw.com

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Privileged and Confidential

I AM AVAILABLE ANY OF THOSE DAYS AT ALL OF THOSE TIMES.

YOU ARE CORRECT THAT I HAD REQUESTED THE MATTER BE TRANSFERRED TO A WASHINGTON D.C. ALJ. FRANKLY I WAS UNSURE AT THE TIME WHETHER I NEEDED TO DO THAT IN ORDER TO BE GETTING A CONTESTED CASE HEARING. TINA ARTEMIS CALLED ME YESTERDAY TO DISCUSS THIS AND EXPLAINED THAT WE GET A CONTESTED CASE HEARING WHETHER ITS HEARD BY A WASHINGTON ALJ OR BY THE REGION 8 HEARING OFFICER, SO I TOLD HER I WOULD WITHDRAW OUR REQUEST THAT IT BE HANDLED OUTSIDE OF REGION 8.

SHE SAID TO EMAIL HER AND YOU TO THIS EFFECT, AND BY THIS EMAIL I AM DOING JUST THAT.

R. Scott Garland

-----Original Message-----

From: Livingston.Peggy@epamail.epa.gov  
[mailto:Livingston.Peggy@epamail.epa.gov]  
Sent: Tuesday, November 13, 2007 4:42 PM  
To: scottgarland@jhlaw.com  
Subject: EPA drinking water case - High Country

Mr. Garland:

I wanted to be sure you knew that I received your October 29th letter. I have been out of the office quite a bit over the last few weeks and apologize for not responding earlier. My clients and I expect to be able to respond to your settlement offer in the near future.

I also received a Notice and Order from Regional Judicial Officer Sutin. She directed me to confer with you to confirm a time and date you and I would both be available to have a conference call. I need to get back the Regional Hearing Clerk no later than Thursday, November 15, 2007, to let her know those times and dates. Would you please let me know which of the following times and dates would work for you?

Monday, Nov. 26, any time  
Tuesday, Nov. 27, 8:30 to 10 or noon to 2:30  
Wednesday, Nov. 28, any time  
Thursday, Nov. 29, any time  
Friday, Nov. 30, any time  
Monday, Dec. 1, any time

Actually, I don't quite understand why she sent this Notice and Order because I thought that in your answer you had requested a hearing on the record before an administrative law judge, meaning that we would not have a Regional Judicial Officer hear the case. Did you file anything amending your request for a hearing?

If you would let me know which of the dates and times listed above would work for you (or, if none works, what other dates and times would), I would appreciate it very much. Thank you.

Peggy Livingston  
Senior Enforcement Attorney  
1595 Wynkoop Street  
Denver, CO 80202-1129  
303-312-6858 (phone)  
303-312-7202 (fax)

Please note new street address and fax number.

\_\_\_\_\_ NOD32 2658 (20071114) Information \_\_\_\_\_

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