

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 DEC 13 AM 9:52

IN THE MATTER OF:)	Proceeding under Section 1414(g)
)	of the Safe Drinking Water Act,
High Country Subdivision)	U.S.C. § 300g-3(g)
Jackson, Wyoming)	
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)	Docket No. SDWA-08-2007-0079
Respondent.)	
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SUMMARY OF PREHEARING CONFERENCE

On December 10, 2007 a Prehearing Conference was held in the above referenced matter. Peggy Livingston, Counsel for Complainant, and her client, Melanie Wasco, as well as Scott Garland, Counsel for Respondent, were in attendance. The following items were discussed:

- 1) Mr. Garland explained that the subdivision is not the owner of the water system. The owner is High Country Water District, a special purpose water district under Wyoming Law, of which he is a member of the Board.
- 2) Both parties indicated that settlement discussions are occurring and requested one month to try and reach a settlement agreement. This court determined that one month is appropriate to continue settlement discussions and requested a status report **on or before January 14, 2008** from the parties on any progress made towards settlement.
- 3) If settlement is reached, the consent agreement shall be filed with the Regional Hearing Clerk **on or before January 31, 2008**.
- 4) If settlement is not possible, the parties agreed that the next step is to proceed with Prehearing Exchange pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.19. Prehearing Exchanges shall include all documents and witnesses intended to be introduced as evidence at the hearing. The Prehearing Exchange shall also include the following:

Complainant and Respondent – Pursuant to 40 C.F.R. § 22.19(a)(4) all factual information Complainant considers relevant to the assessment of a penalty shall be included in the Prehearing Exchange.

Respondent – Any financial information necessary to show an inability to pay the penalty if Respondent is claiming such.

- 5) Prehearing Exchanges will be submitted consecutively according to the following schedule:

Complainant's Prehearing Exchange is due on or before January 31, 2008.

Respondent's Prehearing Exchange is due on or before February 14, 2008.

Complainant's Rebuttal Prehearing Exchange is due on or before February 28, 2008

- 6) Pursuant to 40 C.F.R. § 22.19(b), a prehearing conference will be held within two weeks after Prehearing Exchanges are submitted to determine if any additional discovery is necessary and to schedule a hearing date.
- 7) Pursuant to 40 C.F.R. §§ 22.19(d) and 22.21(d) the location of the prehearing conference and the hearing "shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city which the relevant Environmental Protection Agency Regional Office is located...unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone." In their respective Prehearing Exchange, the parties shall advise the court of their preference for the location of the prehearing conference and hearing.
- 8) If Complainant intends to amend the Complaint for any reason it shall do so two weeks prior to the Prehearing Exchange deadline or January 14, 2008.

ORDER

1. The Status Report regarding settlement is due **January 14, 2008;**
2. If an Amended Complaint is filed, it is due **January 14, 2008;**
3. Prehearing Exchanges are due **January 31, 2008, February 14, 2008 and February 28, 2008, respectively;**
4. Second Prehearing Conference will be held on March 10, 2008. The place and time is yet to be determined.

SO ORDERED This 13th Day of December, 2007.


Elyana R. Suth
Presiding Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **SUMMARY OF PREHEARING CONFERENCE** in the matter of **HIGH COUNTRY SUBDIVISION; DOCKET NO.: SDWA-08-2007-0079** was filed with the Regional Hearing Clerk was filed on December 13, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Peggy Livingston, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on December 13, 2007, to:

Scott Garland, Attorney
Moore Myers & Garland
P. O. Box 8498
Jackson, WY 83001

Hand delivered to:

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

December 13, 2007


Tina Artemis
Paralegal/Regional Hearing Clerk

