

December 20, 2021

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Received by
EPA Region VIII
Hearing Clerk

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

NOTICE AND ORDER

PLEASE TAKE NOTICE that the above action under Section 1319(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 309(g), is docketed and the undersigned designated the Presiding Officer to conduct these proceedings. This action is subject to Subpart I of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation or Suspension of Permits (“Consolidated Rules” or “CROP”), 40 C.F.R. Part 22. Correspondence with, or service upon, the undersigned shall be directed to:

Melissa Haniewicz
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129
Telephone: 303.312.7059
haniewicz.melissa@epa.gov

Counsel for Complainant is directed to confer with Counsel for Respondent and confirm a date and time on my calendar to schedule a telephone conference with the Regional Hearing Clerk, Melissa Haniewicz, **on or before December 30, 2021**. Ms. Haniewicz can be reached at

303.312.7059. The parties should be prepared to provide Ms. Haniewicz with several mutually agreeable dates and times in **January 2022**. All conferences in connection with this matter will be conducted on Microsoft Teams. All Orders issued in connection with this matter will be serviced electronically, consistent with 40 C.F.R. § 22.6.

The purpose of the telephone conference is to establish a schedule for proceeding forward in this matter and to discuss the parties' views on settlement. Specifically, I will set a deadline for the prehearing information exchange set forth in 40 C.F.R. § 22.19. In addition, the parties will be expected to discuss settlement efforts in general terms, if any, and to indicate whether the parties wish to avail themselves of alternative dispute resolution in accordance with 40 C.F.R. § 22.18. Agency policy encourages settlement. 40 C.F.R. § 22.18(b). The benefits of a negotiated settlement often outweigh the uncertainty, time and expense associated with litigating the matter. The parties are encouraged to have settlement discussions and any efforts needed to reach settlement in this matter. The parties shall take precautions in any settlement negotiations to insulate and shield the Presiding Officer and the Regional Hearing Clerk from any knowledge regarding the details of the settlement including monetary amounts discussed. This can be best accomplished by being certain that the Presiding Officer does not receive a copy of any communications reflecting settlement amounts.

The Regional Hearing Clerk maintains the administrative record for this proceeding under 40 C.F.R. § 22.5 of the Consolidated Rules. Please make sure that the originals and one copy of all documents you wish included in the record are properly filed with the Regional Hearing Clerk. A copy of each document also needs to be provided to the opposing party and the Presiding Officer. In light of current working conditions necessitated by the pandemic, the

copy for the opposing party and Presiding Officer will be provided electronically at the following addresses, with electronic receipt requested:

Katherin E. Hall
Regional Judicial Officer
hall.katherin@epa.gov

Peggy Livingston
Counsel for the Complainant
livingston.peggy@epa.gov

Catherine A. Laughner
Counsel for the Respondent
cathyl@bkbh.com

SO ORDERED THIS 20th day of December, 2021

**KATHERIN
HALL**

Digitally signed by
KATHERIN HALL
Date: 2021.12.20
13:57:59 -07'00'

Katherin E. Hall
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the attached **NOTICE AND ORDER** in the matter of **THE CITY OF HELENA, MONTANA; DOCKET NO.: CWA-08-2021-0017** was filed with the Regional Hearing Clerk on December 20, 2021.

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 December 20, 2021, to:

Respondent

Catherine A. Laughner
Counsel for the Respondent
cathyl@bkbh.com

December 20, 2021

MELISSA
HANIEWICZ

Digitally signed by MELISSA HANIEWICZ Date: 2021.12.20 14:06:08 -07'00'
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Melissa Haniewicz
Regional Hearing Clerk