

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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REGION V

2008 FEB -5 PM 3:08

IN THE MATTER OF:)
)
City of St. Charles,)
)
)
)
Respondent.)

DOCKET NO. CAA-05-2008-0003

ORDER AND CLARIFICATION OF FILING DATE

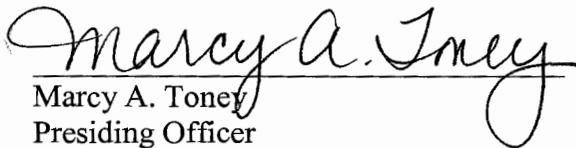
In response to the Order Granting Motion for Extension of Time and Order to Show Cause issued on January 17, 2008, Complainant filed an Amended Complaint in this action and served it on Respondent's counsel by certified mail the same day. Respondent now requests clarification of the date it is required to respond to the Amended Complaint.

Section 22.14(c) of the Consolidated Rules¹ states "Respondent shall have 20 additional days from the date of service of the amended complaint to file its answer." Service of all documents (except the original complaint) is complete upon mailing. See 40 C.F.R. § 22.7(c). Where a document is served by mail, five additional days are allowed for the filing of a responsive document. *Id.* The Amended Complaint was served on January 17, 2008, making the responsive pleading due February 11, 2008. However, in granting Respondent's Motion for Extension to File Answer, I stated that in no case shall Respondent be required to answer an amended complaint before February 13, 2008, because that is the date to which it had originally requested an extension.

Accordingly, as previously ordered Respondent shall have until **February 13, 2008**, to file an answer or otherwise plead in this matter.

IT IS SO ORDERED.

Date: February 5, 2008


Marcy A. Toney
Presiding Officer

¹ The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22.

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US EPA REGION V

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IN THE MATTER OF St. Charles Wastewater Treatment Facility, Respondent
Docket No. CAA-05-2008-0003

CERTIFICATE OF SERVICE

I certify that the foregoing Order and Clarification of Filing Date dated February 5, 2008, was sent this day in the following manner to the addressees:

Original hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Copy hand delivered to
Attorney for Complainant:

Richard W. Wagner
U.S. Environmental Protection
Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

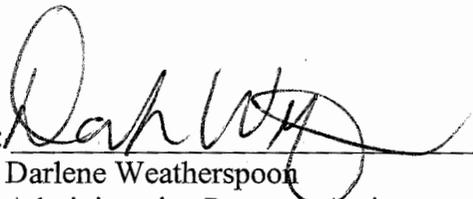
Copy by fax (312-569-3000) to:

Roy M. Harsch
Yesenia Villasenor-Rodriguez
Drinker Biddle & Reath LLP
191 N. Wacker Dr.
Suite 3700
Chicago, IL 60606-1698

Dated:

2/5/08

By:


Darlene Weatherspoon
Administrative Program Assistant