



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
The City of Blaine,) Docket No. CWA-05-2016-0019
)
)
Respondent.)

NOTICE OF HEARING AND ORDER

A Prehearing Order was issued in this matter on November 29, 2016, wherein the parties were ordered to file and serve a prehearing exchange of information. The prehearing exchanges of information have concluded. Therefore, this matter is ready to be scheduled for hearing.

Pursuant to the procedural rules governing this proceeding, set forth at 40 C.F.R. Part 22, I am responsible for scheduling the hearing and determining an appropriate location for the hearing, consistent with 40 C.F.R. §§ 22.21 and 22.19(d). I am also responsible for regulating the course of the hearing consistent with 40 C.F.R. § 22.4. Accordingly, prehearing filing deadlines and the hearing in this matter are scheduled as follows.

Settlement Status Reports. Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement*, on or before **April 11, 2017**.

Joint Stipulations. On or before **April 25, 2017**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after an evidentiary hearing.

Prehearing Conference. A prehearing conference will be scheduled in advance of the hearing and conducted by a staff attorney.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **May 9, 2017**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

Hearing. The hearing in this matter shall begin promptly at **8:30 a.m.** on **Tuesday, May 23, 2017**, and shall continue if necessary through Wednesday, May 24, 2017, at the following location:


**W. E. Burger Federal Bldg. & United States Courthouse
100 Federal Building
Courtroom 444
St. Paul, MN 55101**

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. A staff attorney for the undersigned, Ryan Yaeger, can be contacted should you have any procedural questions or questions about what to expect at the hearing, at (202) 564-4898 or yaeger.ryan@epa.gov.

RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRANCE OF DEFAULT JUDGMENT AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING, OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Date: March 1, 2017
Washington, D.C.

**In the Matter of *The City of Blaine*, Respondent.
Docket No. CWA-05-2016-0019**

CERTIFICATE OF SERVICE

I hereby certify that copies of this Notice of Hearing and Order, dated March 1, 2017, issued by Susan L. Biro, Administrative Law Judge, were sent to the following parties in the manner indicated below.



Michael B. Wright
Attorney Advisor

Original and One Copy by Hand Delivery to:

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**Dated: March 1, 2017
Washington, DC**