

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JUL 25 AM 8:50

IN THE MATTER OF:)
)
City of Dupree, South Dakota)
Dupree, South Dakota)
NPDES Permit No. SDG589116)
Respondent.)
)
)
)
)

Proceeding Under Section 309(g)
of the Clean Water Act,
U.S.C. § 1319(g)

Docket No. CWA-08-2011-0040

FILED
EPA REGION VIII
HEARING ROOM

SCHEDULING ORDER

On July 24, 2012, the parties had a Third Prehearing Conference Call. Both parties requested additional time to continue settlement discussions. The parties appear confident that settlement can occur. On this basis, the court will allow the parties to pursue settlement discussions for a limited period of time. If settlement is not reached by September 30, 2012, a status conference call will be held to set the matter for hearing. The following schedule was discussed during the conference call and is **ORDERED**:

1. Respondent to provide documents requested by Complainant on or before **August 7, 2012**;
2. Complainant to perform ability to pay analysis on or before **September 4, 2012**.
3. Complainant to file a status report by **September 30, 2012**.

SO ORDERED This 25th Day of July, 2012.


Elyana R. Sutin
Presiding Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **SCHEDULING ORDER** in the matter of **CITY OF DUPREE, SOUTH DAKOTA; DOCKET NO.: CWA-08-2011-0040** was filed with the Regional Hearing Clerk on July 25, 2012.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. A true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt requested and e-mailed on July 25, 2012, to:

Eric H. Bogue
Bogue & Bogue, LLP
Butler Insurance Building, Suite 2
104 West 1st Street/P. O. Box 250
Faith, SD 57626-0250
boguelaw@faithsd.com

e-mailed to:

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

July 25, 2012



Tina Artemis
Paralegal/Regional Hearing Clerk

