

4/28/2022

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

12:04 PM

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)	Docket No. CWA-08-2021-0017
)	
The City of Helena, Montana,)	COMPLAINANT’S STATUS REPORT
)	
Respondent)	
)	

By order dated March 31, 2022, the Hon. Katherin E. Hall, Regional Judicial Officer for Region 8 of the U.S. Environmental Protection Agency, directed the parties in this proceeding to file a Joint Status Report by April 28, 2022. Outside counsel for the City of Helena has indicated she is out of state for a memorial service and has been unable to confirm information concerning this report with her client. Consequently, counsel for the complainant and the respondent have agreed that today’s report would be filed solely by counsel for the complainant.

To date, the parties have not reached an agreement on settlement. The complainant would like to participate in alternative dispute resolution pursuant to 40 C.F.R § 22.18.

The complainant suggests the following deadlines for this proceeding:

- | | |
|--------------------|--|
| July 22, 2022 | Complainant to file initial prehearing exchange |
| August 19, 2022 | Respondent to file prehearing exchange |
| September 9, 2022 | Complainant to file rebuttal prehearing exchange |
| September 30, 2022 | Parties to file any dispositive motions |

The complainant would be amenable to holding the hearing in either Helena, Montana, or Denver, Colorado.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

Date: _____

By: _____
Margaret J. Livingston
Senior Assistant Regional Counsel
Office of Regional Counsel
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, Colorado 80202
(303) 312-6858
livingston.peggy@epa.gov
Counsel for Complainant

CERTIFICATE OF SERVICE

I certify the foregoing Complainant's Status Report was sent by transmitted by email on this day
to:

Ms. Catherine Laughner, Attorney
Browning, Kaleczyc, Berry & Hoven, P.C.
801 W. Main, Suite 2A
Helena, Montana 59715
cathyl@bkbh.com

and

Erik Coate
Helena City Attorney
316 N. Park Avenue
Helena, MT 59623
ecoate@helenamt.gov

In addition, a copy of the foregoing Complainant's Status Report was also filed on this day with
the Regional Hearing Clerk via email, at R8_Hearing_Clerk@epa.gov.

By: _____

Margaret J. (Peggy) Livingston
Senior Assistant Regional Counsel
Office of Regional Counsel
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, Colorado 80202