

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)

2013 MAR 14 PM 12:01

Richard Smith, Owner)
Lodore Supper Club and Saloon)

FILED
EPA REGION VIII
HEARING CLERK

Respondent)

) Docket No. SDWA-08-2012-0056

) REQUEST TO OMIT ADDITIONAL
) COPIES OF DOCUMENTS FROM
) PREHEARING EXCHANGE

Proceeding under section 1414(g)
of the Safe Drinking Water Act,
42 U.S.C. § 300g-3(g))
_____)

By order dated January 23, 2013, the Regional Judicial Officer has directed the United States Environmental Protection Agency (EPA), Complainant in this matter, to file a prehearing exchange by March 15, 2013. In accordance with 40 C.F.R. § 22.19(a)(1)-(4), the Regional Judicial Officer directed the EPA to include copies of all documents intended to be introduced as evidence in the hearing.

On March 8, 2013, the EPA filed an Opposition to Respondent's Motion to Dismiss. That document included five exhibits. Exhibit 1 included Exhibits 1.a through 1.m as attachments. Exhibits 2 through 5 had previously been filed with the EPA's complaint on September 25, 2012.

The EPA intends to introduce all exhibits to its March 8th filing as exhibits during the hearing. However, in order to save paper, the EPA proposes that it not file separate copies of these exhibits in the prehearing exchange itself or mail separate copies of these exhibits to Rick Smith, the Respondent in this matter. The EPA proposes that it list all exhibits in its prehearing exchange and include copies with the prehearing exchange of only those exhibits not included with the EPA's March 8th filing. A proposed order is being filed with this request.

Respectfully submitted,

Margaret J. (Peggy) Livingston
Margaret J. (Peggy) Livingston
Senior Enforcement Attorney
United States Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202
Telephone: 303-312-6858
Facsimile: 303-312-7202

CERTIFICATE OF SERVICE

IT IS HEAREBY CERTIFIED that a true and correct copy of the foregoing document has been served upon each of the following on March 14, 2013:

Richard (Rick) Smith, Owner
Ladore Supper Club and Saloon
P.O. Box 6044
Sheridan, WY 82802
By Certified Mail, Return Receipt Requested
No. 7009 3410 0000 2592 8451
One copy

Tina Artemis, Region 8 Hearing Clerk
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
By Hand Delivery – Original and one copy

Hon. Elyana R. Sutin
Regional Presiding Officer
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
By Hand Delivery – One copy

Date: March 14, 2013

By: 
Dayle De Arvil

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
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Richard Smith, Owner)
Lodore Supper Club and Saloon)
) Docket No. SDWA-08-2012-0056
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Respondent) ORDER GRANTING
) REQUEST TO OMIT ADDITIONAL
) COPIES OF DOCUMENTS FROM
) PREHEARING EXCHANGE
)
Proceeding under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

The court has read and considered the EPA's request for permission to omit additional copies of documents from its prehearing exchange. The court finds that the parties will not be prejudiced if the EPA omits copies of previously-filed exhibits from the copies of the prehearing exchange that the EPA will file with the Regional Hearing Clerk and provide to the Regional Judicial Officer and the Respondent. Accordingly, the EPA is not precluded from introducing into evidence copies of exhibits that are cited in the prehearing exchange but that already have been filed in this proceeding as exhibits to the EPA's Opposition to Respondent's Motion to Dismiss.

Hon. Elyana R. Sutin
Regional Judicial Officer