

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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REGIONAL HEARING CLERK  
JUL 15 2008

In the Matter of: )  
)  
City of St. Charles, A Municipal ) Proceeding to Assess a  
Corporation, Operating As- )  
St. Charles Wastewater ) Civil Penalty under Section  
Treatment Facility ) 113(d) of the Clean Air Act,  
1404 S. Seventh Avenue ) 42 U.S.C. § 7413(d)  
St. Charles, Illinois 60174 )  
)  
)  
)  
Respondent ) Docket No. CAA-05-2008-0003

**NOTICE OF FILING**

**TO: See attached service list.**

**PLEASE TAKE NOTICE** that on July 15, 2008, I, Yesenia Villasenor-Rodriguez, an attorney with the law firm of Drinker Biddle & Reath LLP filed **RESPONDENT'S MOTION TO DELAY PREHEARING EXCHANGE**, with the Regional Hearing Clerk (E-13J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

CITY OF ST. CHARLES

By: Y. Villasenor-Rodriguez  
One of the Attorneys for Respondent

Dated: July 15, 2008

Drinker Biddle & Reath LLP  
Roy M. Harsch  
Yesenia Villasenor-Rodriguez  
191 N. Wacker Drive - Suite 3700  
Chicago, IL 60606-1698  
312-569-1000

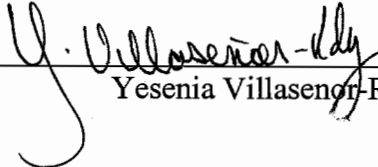
**CERTIFICATE OF SERVICE**

I, Yesenia Villasenor-Rodriguez, an attorney in the law firm of Drinker Biddle & Reath LLP, certify that a copy of the foregoing **Respondent's Motion to Delay Prehearing Exchange** was served by first class mail upon the following:

Honorable Susan A. Biro, Chief ALJ  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Richard W. Wagner  
Office of Regional Counsel (C-29A)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

on this 15<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Yesenia Villasenor-Rodriguez

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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**MOTION TO DELAY PREHEARING EXCHANGE**

NOW, here comes the City of St. Charles ("Respondent") by and through its attorneys, Drinker Biddle & Reath LLP and hereby requests that its MOTION TO DELAY PREHEARING EXCHANGE be approved. In support, St. Charles states as follows:

1. On May 22, 2008, Judge Biros entered an order setting forth the schedule for the prehearing exchanges in this matter. Pursuant to the schedule, the U.S. EPA was required and did file its initial prehearing exchange on June 27, 2008.
2. Respondent's initial prehearing exchange is due on July 18, 2008.
3. Since the U.S. EPA's initial filing on June 27, 2008, Respondent and the U.S. EPA have continued with their ongoing settlement discussions. Two weeks ago the parties reached verbal agreement to settle this matter. Respondent received an initial draft of a settlement agreement from the U.S. EPA on July 7, 2008.
4. Respondent reviewed the draft settlement agreement and provided comments to the U.S. EPA. After discussing these comments with the U.S. EPA attorney, revisions were agreed to in

the draft. Respondent received a final draft which included its comments from U.S. EPA on July 14, 2008.

5. This settlement agreement was presented at a St. Charles City Council subcommittee at a meeting on July 14, 2008, where it was unanimously approved for placement on the next City Council Meeting for approval. The settlement agreement will be presented at the full City Council meeting on July 21, 2008, where it is expected to be approved based on the City Council subcommittee's approval. Because Respondent is a municipality, it must follow the above procedures in order to execute the settlement agreement.

6. Upon the City Council's expected approval, the settlement agreement will be executed and forwarded to the U.S. EPA on July 22, 2008 for final consummation.

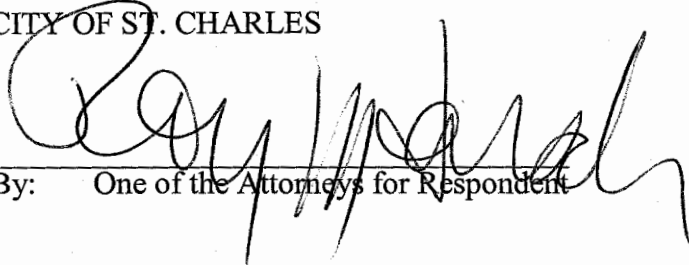
7. Given that the parties have reached agreement to settle this matter and are in the process of circulating a settlement agreement for execution, Respondent requests that in order to not expend anymore of its financial resources, it requests that it be allowed to hold the filing of its prehearing exchange currently due on July 18, 2008. Notwithstanding the above, if any unforeseen circumstances cause this settlement agreement to not be executed by St. Charles by September 1, 2008, Respondent will file the required prehearing exchange by that date.

8. Respondent has discussed this request with Mr. Richard Wagner, counsel for the U.S. EPA, and Mr. Wagner has authorized the undersigned to state that the U.S. EPA is not opposed to this request.

Wherefore, for all the foregoing reasons, Respondent respectfully requests that its Motion to Delay Prehearing Exchange be granted.

Respectfully submitted,

CITY OF ST. CHARLES

By:  One of the Attorneys for Respondent

Dated: July 15, 2008

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