

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 MAR 18 AM 11:52

IN THE MATTER OF:)
)
 Nancy Haugan d/b/a Mountain Vista)
 Veterinary Services)
)
 Respondent.)
)
)
)

Proceeding under Section 1423(c)
of the Safe Drinking Water Act,
U.S.C. § 300h-2(c)

Docket No. SDWA-08-2007-0094

REGION VIII
HEARING CLERK

ORDER TO FILE PREHEARING INFORMATION EXCHANGE

Pursuant to 40 C.F.R. § 22.19 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), the parties shall file a prehearing exchange of information. The prehearing exchange shall include all documents and witnesses intended to be introduced as evidence at the hearing. See, 40 C.F.R. § 22.19(a)(1)-(4). Specifically, the prehearing exchange shall also include the following:

1. **Complainant and Respondent** – Pursuant to 40 C.F.R. § 22.19(a)(4) all factual information each party considers relevant to the assessment of a penalty shall be included in the prehearing exchange.
2. **Respondent** – Any financial information necessary to show an inability to pay the penalty if Respondent is claiming such.

Prehearing exchanges will be submitted consecutively according to the following schedule:

Complainant’s Prehearing Exchange is due on or before May 1, 2008.

Respondent’s Prehearing Exchange is due on or before May 15, 2008.

Complainant’s Rebuttal Prehearing Exchange is due on or before May 29, 2008.

Pursuant to 40 C.F.R. § 22.19(b), a prehearing conference will be held within two weeks after the completion of prehearing exchange to determine if any additional discovery is necessary and to schedule a hearing date.


Pursuant to 40 C.F.R. §§ 22.19(d) and 22.21(d) the location of the prehearing conference and the hearing “shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city which the relevant Environmental Protection Agency Regional Office is located...unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone.” In their respective prehearing exchange, the parties shall advise the court of their preference for the location of the prehearing conference and hearing.

ORDER

1. Prehearing exchanges are due **May 1, 2008, May 15, 2008 and May 29, 2008, respectively;**

4. Second Prehearing Conference will be held on or before **June 12, 2008**. The place and time is yet to be determined.

SO ORDERED This 13th Day of March, 2008.



Elyana R. Sutin
Presiding Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER TO FILE PREHEARING INFORMATION EXCHANGE** in the matter of **NANCY HAUGAN d/b/a MOUNTAIN VISTA VETERINARY SERVICES; DOCKET NO.: SDWA-08-2007-0094** was filed with the Regional Hearing Clerk was filed on March 18, 2008.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Jim Eppers, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on March 18, 2008, to:

Elizabeth A. O'Halloran
Milodragovich, Dale, Steinbrenner & Nygren, P.C.
P. O. Box 4947
Missoula, MT 59806-4947

Hand delivered to:

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency – Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202-1129

March 18, 2008


Tina Artemis
Paralegal/Regional Hearing Clerk

