



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED

2008 JAN 23 P 2:53

CLERK

BY HAND

January 23, 2008

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

Re: In the Matter of North Providence, RI
Docket No. CWA-1-2008-0001

Dear Ms. Santiago:

Enclosed for filing please find two copies of Complainant's Status Report and Motion for Extension to File Prehearing Exchanges Pending Payment of Penalty.

Sincerely,

Tonia Bandrowicz
Sr. Enforcement Counsel
U.S. EPA

cc: Stephen Burke, Esq.

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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2008 JAN 23 P 2:53

In the Matter of:)
)
NORTH PROVIDENCE, Rhode Island)
)
Respondent.)
)
_____)

Docket No. CWA 01-2008-0001 ^{WR}
CLERK

STATUS REPORT AND
MOTION FOR EXTENSION TO FILE PREHEARING EXCHANGE
PENDING PAYMENT OF PENALTY

Complainant, U.S. Environmental Protection Agency, Region I, submits this status report on behalf of the parties. Pursuant to settlement discussions, the parties have reached an agreement in principle under which the Respondent will pay the proposed penalty by utilizing the "Quick Settlement" provision in the Complaint, as permitted by 40 C.F.R. 22.18(a). In light of this agreement, and pursuant to 40 C.F.R. 22.19(g), the Complainant requests a 30 day extension for the parties to file prehearing exchanges as required by the Presiding Officer's November 30, 2007 Prehearing Order pending Respondent's payment of the penalty.

Respectfully submitted,



Tonia Bandrowicz
Counsel for the Complainant
U.S. EPA, Region I
One Congress Street
Boston, MA 02214-2023
(617) 918-1734
(617) 918-1809 (FAX)

1/23/08
Dated

**In the Matter of Town of North Providence, RI
EPA Docket No. CWA-01-2008-001**

CERTIFICATE OF SERVICE

I certify that the foregoing Status Report and Motion for Extension to File Prehearing Exchange Pending Penalty Payment was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA - Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

Copy by Overnight Mail,

William B. Moran,
U.S. Administrative Law Judge
U.S. EPA
Office of Administrative Law Judges
Franklin Court Building
1099 14th Street, NW, Suite 350
Washington, DC 20460

Copy by certified mail,
return receipt requested:

Stephen H. Burke, Esq.
Ratcliffe Burke Haren & Elias, LLP
1600 Financial Plaza
Providence, RI 02903

Dated: 1-23-08



Tonia Bandrowicz
U.S. EPA - Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023
Phone: (617) 918-1734
Fax: (617) 918-0734

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

RECEIVED

DEC 03 2007

EPA ORC
Office of Regional Hearing Clerk

IN THE MATTER OF:)
)
Town of North Providence)
)
) **Docket No. CWA-01-2008-001**
)
)
Respondent)

PREHEARING ORDER

As you have been previously notified, I have been designated to preside in the above captioned matter. This proceeding arises under the authority of Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g). The Environmental Protection Agency ("Agency" or "EPA") Consolidated Rules of Practice ("Rules"), applicable in this administrative enforcement proceeding, are found in 40 C.F.R. Part 22.

As provided in the Rules, § 22.18(a), it is the Agency's policy to encourage settlement of proceedings without the necessity of a formal hearing. However, the continuation of settlement negotiations will not provide good cause for not meeting the following schedule set in this Prehearing Order.

The schedule can now be set for the filing of prehearing exchanges under 40 C.F.R. § 22.19 in accord with the following procedure:

1. Each Party shall submit a list of all expert and other witnesses it intends to call with a brief narrative summary of their expected testimony; and copies of all documents and exhibits it intends to introduce into evidence. The exhibits should include a resume for each proposed expert witness.
2. The Complainant shall submit a statement explaining in detail how the proposed penalty amount was determined, including a description of how the specific provisions of any EPA penalty or enforcement policies or guidelines were applied in calculating the penalty.
3. The Respondent is directed to clarify whether its defense admits liability but challenges the appropriateness of the penalty sought by EPA.
4. If the Respondent intends to take the position that it is unable to pay the proposed penalty, or that payment will have an adverse effect on Respondents' ability to continue in business, Respondent shall furnish supporting documentation such as financial statements or tax returns.

5. The Complainant shall submit a statement on the applicability of the Paperwork Reduction Act ("PRA"), 44 U.S.C. § 3501 *et seq.*, to this proceeding, including whether there is a current Office of Management and Budget control number involved and whether the provisions of Section 3512 of the PRA may apply to this case.

6. Each party shall submit its views on the place for the hearing pursuant to § 22.21(d) and 22.19(d) of the Rules. Each party should also indicate when they would be available for the hearing, and give an estimate of the time needed to present its direct case.

The Parties must simultaneously make their initial prehearing exchanges by **Thursday, January 24, 2008**. If Respondent does not intend to present a direct case, but does wish to cross-examine Complainant's witnesses, it must submit a statement to that effect instead of a prehearing exchange. After the initial exchanges, the parties may file supplements to their prehearing exchanges (including any reply or rebuttal material), without motion, until 30 days before the date scheduled for the hearing.

Upon completion of the prehearing exchanges, the parties are directed to confer with one another in order to determine those issues which remain genuinely in dispute, so that the hearing may be focused on such matters. The parties shall then submit a statement to me identifying those issues.

The original and one copy of all filings, with attachments, shall be sent to the Regional Hearing Clerk, and copies sent to the opposing party and the Administrative Law Judge.

William B. Moran

William B. Moran
U.S. Administrative Law Judge

Dated: November 30, 2007
Washington, D.C.

If sending by:
Fed Ex, UPS or any type of Courier service

Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court Building
1099 14th Street N.W. Suite 350
Washington, DC 20460

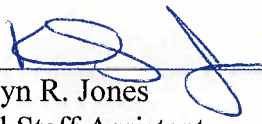
If sending by:
Regular U.S. mail

Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., N.W.
Mail Code 1900L
Washington, DC 20005

In the Matter of Town of North Providence
Docket No. CWA-01-2008-001

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Prehearing Order**, dated November 30, 2007 was sent in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Dated: November 30, 2007

Original and One Copy by Pouch Mail to:

Wanda Rivera
Regional Hearing Clerk
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114

Copy by Facsimile and Pouch Mail to:

Tonia Bandrowicz, Esq.
Assistant Regional Counsel
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114

Copy by Facsimile and Regular Mail to:

Stephen H. Burke, Esq.
Ratcliff Burke Harten & Elias, LLP
1600 Financial Plaza
Providence, RI 02903