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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CWA-10-2005-0081
LANDSING DEVELOPMENT)	COMPLAINANT'S REPLY
GROUP, LLC)	PREHEARING EXCHANGE
Boise, Idaho)	
Respondent.)	

Pursuant to 40 C.F.R. § 22.19, and the Presiding Officer's Order of December 7, 2005, Complainant U.S Environmental Protection Agency Region 10 ("EPA") submits this Reply Prehearing Exchange. EPA respectfully reserves the right to supplement this Reply Prehearing Exchange if necessary prior to hearing with proper notice to Respondent Landsing Development Group, LLC ("Respondent"). For purposes of this Reply Prehearing Exchange, "Site" refers to the Southfork Development construction site located at South Cole Road and Stirrup Avenue in Boise, Idaho.

I. ADDITIONAL WITNESSES

1. Misha Vakoc. Ms. Vakoc is the Storm Water Permits Coordinator for EPA Region 10 in the Region 10 office in Seattle, Washington. Ms. Vakoc coordinates the issuance of National Pollutant Discharge Elimination System ("NPDES") permits for discharges of

1 storm water. Ms. Vakoc will testify about the process that took place in issuing the
2 NPDES General Permit for Storm Water Discharges from Construction Activities (the
3 "Construction General Permit") and the requirements of the Construction General Permit.
4 Ms. Vakoc will be called as a fact witness.

5 2. EPA reserves the right to call all fact witnesses named by Respondent.
6

7 **II. EXHIBITS**

8 For purposes of the list of documents below, "Complainant's Exhibit No." is abbreviated
9 as "C-." The documents themselves are labeled "Complainant's Exhibit No."
10

11 C-13 Resume of Misha Vakoc
12

13 **III. RESPONSE TO RESPONDENT'S ESTIMATED LENGTH OF HEARING**

14 In Respondent's Opening Prehearing Exchange, Respondent appears to request a site visit
15 that Respondent estimates will take half a day. See Respondent's Opening Prehearing Exchange
16 at p. 2. Complainant opposes the site visit request. The site inspection that gave rise to this
17 enforcement action took place in May 2004. The violations that are at issue in this case occurred
18 on or before May 2004. Since construction has continued at the Site, the Site no longer appears
19 as it did during the May 2004 site inspection. Therefore, the site visit would not provide an
20 understanding of the Site as it looked at the time of the May 2004 inspection.

21 DATED: December 19, 2005
22



23 Courtney J. Hamamoto
24 Assistant Regional Counsel
25 U.S. EPA Region 10

1 CERTIFICATE OF SERVICE

2 I certify that the foregoing "Complainant's Reply Prehearing Exchange" was sent to the
3 following persons, in the manner specified, on the date below:

4 Original plus one copy, by hand delivery:

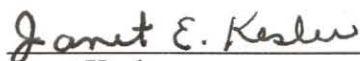
5 Carol Kennedy
6 Regional Hearing Clerk
7 U.S. EPA Region 10
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

8 A true and correct copy, by U.S. Mail:

9 Judge Carl C. Charneski
10 U.S. EPA
Office of Administrative Law Judges
11 Mail Code 1900L
Ariel Rios Building
12 1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

13 Bruce Hessing
14 Landsing Development Group, LLC
15 5800 South Cole Road
Boise, ID 83709

16 DATED: December 19, 2005

17 
18 Janet Kesler
19 U.S. EPA, Region 10