

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)
)
Revane Development Company, Inc.,)
)
) Docket No. CWA-01-2008-0027
Respondent.)

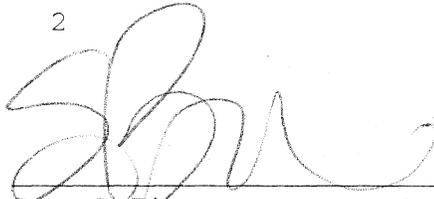
NOTICE OF RECEIPT OF EX PARTE CORRESPONDENCE

PLEASE TAKE NOTICE that on July 28, 2008, the undersigned received from Respondent, acting *pro se*, a copy of its correspondence dated May 7, 2008 addressed to Wanda Santiago, the Regional Hearing Clerk, U.S. EPA Region 1, with ten documents attached thereto, representing the same to be Respondent's Initial Prehearing Exchange. A certificate of service did not accompany the correspondence.

The Consolidated Rules of Practice, 40 C.F.R. Part 22 (Rules), which govern this proceeding, provide that the original of all documents served in connection with this action shall be filed with the Regional Hearing Clerk, and that a copy of such documents be served on all other parties and the Presiding Officer. 40 C.F.R. § 22.5(a)(1). Moreover, Rule 22.5(a)(3) requires that a "certificate of service" be attached to such documents evidencing that such service was made. 40 C.F.R. § 22.5(a)(3). Absent such certificate, the filings "addressed to the . . . Presiding Officer during the pendency of this proceeding and relating to the merits thereof, by or on behalf of any party," are deemed to be "*ex parte*." 40 C.F.R. § 22.8. *Ex parte* communications between a party and this Tribunal are prohibited by the Rules. *Id.*

The correspondence representing to be Respondent's Prehearing Exchange clearly relates to the merits of this proceeding, and should have been accompanied by a certificate of service similar to that attached to this Notice indicating the date and identity of parties served with a copy thereof. Without such certificate, as an excess of caution the filing is deemed *ex parte*, although it is the understanding of this Tribunal that the original of this correspondence and the attachments thereto was previously filed with the Regional Hearing clerk and a copy provided to Complainant's counsel.

ALL PARTIES ARE ADVISED THAT ANY AND ALL FURTHER FILINGS IN THIS MATTER SHALL BE SERVED UPON THIS TRIBUNAL IN A TIMELY MANNER AND ACCOMPANIED BY AN APPROPRIATE CERTIFICATE OF SERVICE.

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

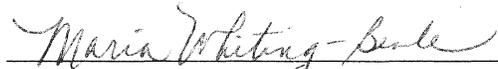
Susan L. Biro
Chief Administrative Law Judge

Dated: July 29, 2008
Washington, D.C.

In the Matter of Revane Development Company, Inc., Respondent
Docket No. CWA-01-2008-0027

CERTIFICATE OF SERVICE

I certify that the foregoing **Notice Of Receipt Of Ex Parte Correspondence**, dated July 29, 2008, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: July 29, 2008

Original And One Copy By Pouch Mail To:

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

Copy By Pouch Mail To:

Jeffrey Kopf, Esquire
Enforcement Counsel (SEL)
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02113-2023

Copy By Regular Mail and Facsimile To:

Thomas Revane, President
Revane Development Company, Inc.
342 Greenwood Street
Worcester, MA 01607