

SBEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

CANDACE STUART-STEPHENS AND  
JERROD STUART,

Priest River, Idaho

Respondents.

DOCKET NO. CWA-10-2024-0024

**COMPLAINANT’S STATUS REPORT**

1.1. The U.S. Environmental Protection Agency (“EPA” or “Complainant”) filed a Complaint on January 25, 2024, against Candace Stuart-Stephens and Jerrod Stuart (“Respondents”) alleging violations of the Clean Water Act. As required by 40 C.F.R. § 22.45(b), Complainant provided public notice of the Complaint on March 6, 2024. Respondents filed an Answer to the Complaint on March 29, 2024. The EPA Region 10 Regional Judicial Officer granted Complainant and Respondents’ (collectively, “the Parties”) Joint Motion for Waiver of Service Requirements for Complaint on April 4, 2024. On April 11, 2024, this Tribunal issued a Prehearing Order that required the Parties to, *inter alia*, “engage in a settlement conference on or before April 26, 2024, and attempt to reach an amicable resolution of this matter.” That Prehearing Order also required Complainant to “file a Status Report regarding this conference and the status of settlement on or before May 3, 2024.” The Order further provided that “if the case is settled, a fully executed Consent Agreement and Final Order . . . shall be filed . . . no later than May 24, 2024.”

1.2. In accordance with the Prehearing Order, the Parties engaged in an initial settlement conference on April 17, 2024. Following that initial settlement conference, the Parties continued settlement communications and have now reached a settlement agreement-in-

principle. The settlement documents, including the Consent Agreement and Final Order, are currently in final review by the Parties before they can be fully executed.

1.3. Complainant received multiple comments on the public notice of the Complaint from persons who are not a party to this proceeding. 40 C.F.R. § 22.45(c)(4)(i) requires that Complainant “provide to each commenter, by certified mail, return receipt requested, but not to the Regional Hearing Clerk or Presiding Officer, a copy of any consent agreement between the parties and the proposed final order.” Thereafter, 40 C.F.R. § 22.45(c)(4)(ii) provides that “[w]ithin 30 days of receipt of the consent agreement and proposed final order a commenter may petition the Regional Administrator . . . to set aside the consent agreement and proposed final order on the basis that material evidence was not considered.”

1.4. Had Complainant not received comments on the public notice of the Complaint from persons who are not a party to this proceeding, the Parties could very likely comply with the April 11, 2024 Prehearing Order’s requirement to file a fully executed Consent Agreement and Final Order by May 24, 2024. However, the Parties cannot concurrently comply with the requirements of 40 C.F.R. § 22.45(c)(4) and this Tribunal’s May 24, 2024 deadline for filing a fully executed Consent Agreement and Final Order. Therefore, in the interest of judicial efficiency and to ensure Complainant’s compliance with 40 C.F.R. § 22.45(c)(4), the Parties are also filing a separate Joint Motion to Stay Further Proceedings.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, REGION 10:

5/3/2024  
DATE

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Patrick B. Johnson  
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BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO.
	)	CWA-10-2024-0024
CANDACE STUART-STEPHENS AND	)	
JERROD STUART,	)	<b>CERTIFICATE OF SERVICE</b>
	)	
Priest River, Idaho,	)	
	)	
Respondents.	)	

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The undersigned certifies that the original COMPLAINANT’S STATUS REPORT in the above-captioned action was filed with the OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

Further the undersigned certifies that a true and correct copy of the original COMPLAINANT’S STATUS REPORT was served on Respondents Candace Stuart-Stephens and Jerrod Stuart via email to:

Norman M. Semanko  
Garrett M. Kitamura  
Lisa A. Kirschner  
Parsons Behle & Latimer  
[NSemanko@parsonsbehle.com](mailto:NSemanko@parsonsbehle.com)  
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[LKirschner@parsonsbehle.com](mailto:LKirschner@parsonsbehle.com)

Dated this 3rd day of May, 2024.

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