

FILED

April 3, 2024

1:43 P.M. PST

**U.S. EPA REGION 10
HEARING CLERK**

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

CANDACE STUART-STEPHENS AND
JERROD STUART,

Priest, Idaho

Respondents.

DOCKET NO. CWA-10-2024-0024

**ORDER ON JOINT
MOTION FOR WAIVER OF
SERVICE REQUIREMENTS
FOR COMPLAINT**

Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 10 of the United States Environmental Protection Agency (EPA), initiated this proceeding on January 25, 2024, by the filing of an administrative complaint (Complaint). Complainant alleges that Respondents, Candace Stuart-Stephens and Jerrod Stuart, have committed violations of the Clean Water and are therefore subject to payment of a civil penalty. *Id.* Complainant and Respondent have now filed a Joint Motion for Waiver of Service Requirements for Complaint (Joint Motion) and thereby requested that service of the Complaint be effective by electronic means rather than by one of the service methods prescribed in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22.

So long as Respondents can be deemed to be aware of their legal right to insist on service of the Complaint in accordance with 40 C.F.R § 22.5(b)(1)(i), Respondents have the prerogative

to waive such service requirements, as well. Given that Respondents are represented by legal counsel in this matter, it can be assumed that Respondents have been advised of their legal rights with respect to service of the Complaint. As a result, the Joint Motion requesting a waiver of the service requirements prescribed by 40 C.F.R § 22.5(b)(1)(i), and allowance of service of the Compliant by electronic means is hereby granted.

IT IS SO ORDERED

RICHARD
MEDNICK

Digitally signed by RICHARD
MEDNICK
Date: 2024.04.03 13:38:04 -07'00'

Richard Mednick
Regional Judicial Officer
Presiding Officer
U.S. Environmental Protection Agency
Region 10

FILED

April 3, 2024

1:43 P.M. PST

U.S. EPA REGION 10
HEARING CLERK

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO.
Candace Stuart-Stephens and Jerrod Stuart)	CWA-10-2024-0024
)	
)	CERTIFICATE OF SERVICE
)	
)	
Respondent.)	
_____)	

The undersigned certifies that the original of the attached **ORDER ON JOINT MOTION FOR WAIVER OF SERVICE REQUIREMENTS FOR COMPLAINT, In the Matter of: Candace Stuart-Stephens and Jerrod Stuart, Docket No.: CWA-10-2024-0024**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Patrick B. Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, #19
Anchorage, Alaska 99513-7588
Johnson.patrick@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Norman M. Semanko (ISB No. 4761)
nsemanko@parsonsbehle.com
Garrett M. Kitamura (ISB No. 11502)
gkitamura@parsonsbehle.com
PARSONS BEHLE & LATIMER
800 W. Main Street, Suite 1300
Boise, Idaho 83702

DATED this 3rd day of April, 2024.

SALEE
PORTER

Digitally signed by SALEE
PORTER
Date: 2024.04.04 07:32:45
-07'00'

Salee Porter
Hearing Clerk, Region 10
Office of Regional Counsel