

BEFORE 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 PRELIMINARY
STATEMENT**

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. Respondents filed an Answer to the Complaint on March 29, 2024. On April 11, 2024, this Tribunal issued a Prehearing Order that required, *inter alia*, that Complainant and the Respondents each file no later than May 3, 2024, a “Preliminary Statement identifying (1) whether the party prefers for the hearing in this matter to be held in person or by videoconference; (2) the party’s preferred location of the hearing in the event that it is held in person; and (3) a valid email address at which the party is able to accept service of orders and decisions issued by this Tribunal and service of documents filed by other parties.”

1.2. While Complainant has the technological capability to participate in hearings by videoconference, it expresses a slight preference for any hearing to be held in person to minimize the possibility of disruptions associated with technological issues outside the control of the hearing participants.

1.3. As identified in 40 C.F.R. §§ 22.21(d) and 22.19(d), a hearing “shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city in which the relevant Environmental Protection Agency Regional Office is located, or in

Washington, DC, unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone.” To the best of Complainant’s knowledge, Complainant’s primary witnesses and Respondents’ counsel are each located in Boise, Idaho. Additionally, while the EPA Region 10 Enforcement and Compliance Assurance Division Director works in EPA Region 10’s main office in Seattle, Washington, EPA Region 10 has an Idaho Operations Office located in Boise, Idaho with several staff, including one of Complainant’s primary witnesses. Additionally, Complainant’s counsel is in Alaska and will need to travel to any in-person hearing regardless of its location. Therefore, if this Tribunal were to conclude that EPA Region 10’s Idaho Operations Office can be considered a “relevant” EPA regional office pursuant to 40 C.F.R. §§ 22.21(d) and 22.19(d), Complainant would prefer that any hearing occur in Boise, Idaho. However, if this Tribunal concludes that EPA Region 10’s Seattle, Washington office is the only “relevant” location for purposes of 40 C.F.R. §§ 22.21(d) and 22.19(d), Complainant prefers that the hearing occur in Bonner County, Idaho, the county where the activities subject to this action occurred and where to the best of Complainant’s knowledge the Respondents reside. This location would require less cumulative travel for the hearing participants.

1.4. Complainant can accept service of orders and decisions issued by this Tribunal and service of documents filed by other parties at: johnson.patrick@epa.gov.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 10:

5/3/2024
DATE

Patrick B. Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, No. 19
Anchorage, Alaska 99513
johnson.patrick@epa.gov

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

The undersigned certifies that the original COMPLAINANT’S PRELIMINARY STATEMENT 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

Further the undersigned certifies that a true and correct copy of the original COMPLAINANT’S PRELIMINARY STATEMENT 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
gkitamura@parsonsbehle.com
LKirschner@parsonsbehle.com

Dated this 3rd day of May, 2024.

Patrick B. Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, No. 19
Anchorage, Alaska 99513
Johnson.patrick@epa.gov