6/23/88

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of	)	
	)	
Miami-Dade Water and Sewer Authority Department,	)	Docket No. TSCA-IV-86-0147
	)	
	)	
Respondent	)	

Order Granting Discovery and Extending Date for Prehearing Exchange

Metropolitan Dade County on behalf of Respondent Miami-Dade Water and Sewer Authority Department has moved for an order of discovery. Complainant, EPA has filed no opposition to the motion. The motion is filed prior to the exchange of witness lists and other information directed by my letter of May 6, 1988, to be made by July 11, 1988. It is not clear that the motion meets the conditions for discovery which are set forth in 40 C.F.R. § 22.19(f). Since the motion is unopposed, however, and the request seems reasonable in scope and the information sought is relevant, I assume that neither the production of documents nor the depositions on oral questions present any problems of burden or privilege to the EPA. If any such problems do arise, the EPA can seek a protective order. Under these circumstances, I will grant the discovery and extend the date for making the prehearing exchange so that the two can be coordinated. Accordingly, the following is ordered:

I. Complainant EPA shall produce and permit Metropolitan Dade County to inspect and copy the photographs, records and other documents described in paragraphs 1 through 5 of the County's motion. Such production shall be made within thirty (30) days from the date of this order.

II. Leave to take the depositions upon oral questions of the following persons is granted:

1. Timmothy E. Venneman.
2. The person representing or acting on behalf of the EPA with the most knowledge of the factual matters alleged in the Complaint.
3. The person representing or acting on behalf of the EPA with the most knowledge of the proposed penalty sought to be assessed in this matter.

Said depositions are to be held on Thursday, August 18, 1988, at 9:30 a.m. for Mr. Venneman, 10.30 a.m. for the person designated pursuant to No. 2 above, and 11:30 a.m. for the person designated pursuant to No. 3 above, in Dade County, Florida, or, in lieu thereof, at some other time or place mutually agreed to by the parties.

III. The time for the parties to make their prehearing exchange directed by my letter of May 6, 1988, is extended to September 6, 1988. Information produced during the discovery granted herein need not be submitted again but may be incorporated by reference in the prehearing exchange.

Gerald Harwood
Gerald Harwood
Chief Administrative Law Judge

DAETD: June 23, 1988

CERTIFICATE OF SERVICE

I hereby certify that the original of this Order Granting Discovery and Extending Date for Prehearing Exchange was mailed to the Regional Hearing Clerk, U.S. EPA, Region IV, and copies were sent to counsel for Complainant and Respondent in this proceeding on this 23rd day of June 1988.

Dottie Woodward
Dottie Woodward
Secretary to the Chief Judge