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Affirmative Action/Equal Opportunity Employer

ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***APPLICATION NO. 201205444***
EXIDE GROUP, INC. : ***FEBRUARY 21, 2013***

PREHEARING DIRECTIVE AND NOTICE OF STATUS CONFERENCE

Notice of Status Conference and Introductory Information

A hearing has been requested in the above-noted matter. Regs., Conn. State Agencies §22a-174-2a(c). Accordingly, the pre-hearing process will begin with a status conference on ***March 12, 2013 at 10:00 AM*** in the Russell Room, [79 Elm Street](#), 3rd floor, Hartford.

These proceedings will be conducted according to the DEEP Rules of Practice, Regs., Conn. State Agencies [§§22a-3a-2 through 22a-3a-6](#); and applicable provisions of the Uniform Administrative Procedure Act. General Statutes [§§4-166 through 4-189](#). The Office of Adjudications provides written guidance on the hearing process on its website (www.ct.gov/dep/adjudications). Questions on these hearing procedures may be raised at the status conference.

Notice of this meeting will be posted on the DEEP Calendar of Events. This calendar will have the most up to date information on the schedule for this status conference and any other meeting or hearing dates. It is the official source of information on meeting and hearing dates for this matter. The calendar can be accessed at www.ct.gov/dep/calendar or you can call the Office of Adjudications at (860) 424-3037 with any questions about the hearing schedule.

The status conference is a public meeting; however, it is not for the purpose of receiving general public comment for the record. Photo identification may be necessary for admittance into the building.

Pre-Status Conference Directives to the Parties, Petitioners and Interested Persons

Counsel or other lead representatives of each party are required to attend this conference in order to discuss the scope of the hearing, including the issues for adjudication and the prehearing procedures. Counsel or other lead representatives of each party must also file an appearance with this office, utilizing the enclosed "Notice of Representation." A schedule will be established for the prehearing exchange of information, the prehearing conference, a site visit, and the specific hearing date and location. Therefore, all parties must be prepared to discuss their availability and the availability of any planned witnesses or attendees.

Prior to the status conference, the applicant shall identify an appropriate location for an evening hearing in the municipality where the proposed activity will occur. Municipal buildings, including town halls, senior centers, or school auditoriums are preferred. The applicant shall establish contact with someone that can assist with reserving the space and be prepared to contact that individual once a date is selected at the meeting to confirm availability.

Status conference agenda

On the date of the status conference, the parties and other attendees should be prepared to discuss the issues relevant to and within the scope of the hearing, including any specific issues that led to the filing of the petition for hearing. In accordance with Public Act 10-158, there will be an opportunity for the parties and the petitioner or other interested persons to participate in a settlement conference to be monitored by a third party referee or mediator. This settlement conference may be used to resolve or clarify issues prior to the hearing, aid in evidentiary, factual, or legal stipulations, or provide a framework for further settlement discussion. The parties may also elect to participate in settlement discussion on their own or with this office's assistance at any time during the proceeding.

At this meeting, the prehearing and hearing schedule will be established, including the date and time for the hearing. Individuals that need to be present for prehearing meetings or the hearing should be present at the status conference or accessible by phone in order to confirm the established schedule with all participants.

Future Service of Documents

This notice has been sent by electronic mail to those parties and petitioners for whom electronic mail addresses were known or provided. Other parties and petitioners received this notice via regular mail. There is attached to this notice a copy of the [Office of Adjudications E-mail Filing and Service of Documents Policy](#). By signing this document, the hearing participants recognize that documents may be filed with this office and served on others via e-mail. All hearing participants must review this policy and be prepared to sign it at the status conference if there is collective agreement that e-mail is the preferred means of communication for all participants.

/s/Brendan Schain

Brendan Schain, Hearing Officer

cc: Ken L. Money, Exide Group, Inc.
Donald Gonyea, DEEP
Carolyn Fusco, DEEP
FairPLAN c/o Kathryn L. Braun, Petitioner
Fairfield Shellfish Commission, c/o Thomas J. Steinke, Petitioner
Sanford Wakeman, Chairman, Fairfield Shellfish Commission, Petitioner
Michael Tetreau, First Selectman, Town of Fairfield
Stanton Lesser, Esq., Town Attorney, Town of Fairfield