

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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In the matter of: )  
)  
Horse Creek Conservation District, ) Docket no. CWA-08-2008-0002  
)  
Respondent: )

**Motion for Approval of Consent Agreement**

Complainant, United States Environmental Protection Agency, Region 8, ("EPA"), by its undersigned attorney and delegated official, hereby moves that the Regional Judicial Officer approve the settlement contained in the attached consent agreement and issue a final order in this matter. This motion is authorized by the Consolidated Rules of Practice, 40 CFR § 22.4 (c), 22.16 (c),

This settlement is authorized by the Consolidated Rules of Practice, which state that "where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order pursuant to § 22.18 (b)(2) and (3)." 40 CFR § 22.13 (b). The rules further provide that when such a consent agreement is contemplated, it must also contain certain specified elements of a complaint, specifically those found at 40 CFR § 22.14(a)(1)-(3), and (8). 40 CFR § 22.18 (b)(2).

The attached consent agreement references (1) the authority of the statute, (2) provisions of the statute and regulations violated by Respondent, and (3) the factual basis for the violation. The attached agreement provided incorrect instructions for the payment of penalties. EPA apologizes for that error, and attaches and incorporates correct payment instructions as attachment 1 to this motion.

The attached consent agreement, as supplemented by this motion with attachments, constitutes a complete and appropriate settlement under the Consolidated Rules of Practice, and reflects the wishes of the parties in the proceeding. a final order approving the settlement be entered as soon as possible.

EPA respectfully moves that the Regional Judicial Officer approve the settlement reached by the parties as reflected in the consent agreement and this motion.

Complainant, United States Environmental Protection  
Agency, Region 8

11/19/2007  
Date

By: David J. Janik  
David J. Janik, Supervisory Enforcement Attorney  
Legal Enforcement Program