

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

2008 JUN -6 PM 3:28

BEFORE THE ADMINISTRATOR

EPA REGION VIII
HEARINGS CLERK

IN THE MATTER OF:)	Docket No. RCRA-08-2008-0001
)	Docket No. RCRA-08-2008-0002
The Three Affiliated Tribes)	Docket No. RCRA-08-2008-0003
and Sharon Jacobs, individually,)	
Highway 8 Convenience Store,)	
)	
The Three Affiliated Tribes)	MOTION TO CONSOLIDATE
and Yolanda Bears Tail, individually,)	
White Shield Ree Store,)	
)	
The Three Affiliated Tribes)	
and Dave Williams, individually,)	
West Dakota Service,)	
)	
Respondents.)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), by its undersigned attorney and upon consultation with and concurrence by Counsel for the Three Affiliated Tribes, Damon K. Williams, files this MOTION TO CONSOLIDATE pursuant to 40 C.F.R. § 22.12(a). EPA and the Three Affiliated Tribes, on behalf of all named respondents, have reached a settlement-in-principle in the above-named cases and believe that consolidating these matters will expedite and simplify their resolution. If the motion to consolidate is granted, the parties will proceed with filing a consent agreement fully resolving all alleged violations in each individual action set forth above. Consolidation of these matters will not adversely affect the rights of parties otherwise engaged in separate proceedings.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 6/6/08



Amy Swanson, Enforcement Attorney

U.S. EPA, Region 8

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the MOTION TO CONSOLIDATE and MEMORANDUM IN SUPPORT were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent as follows:

Via pouch mail and facsimile to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail and facsimile to:

Damon K. Williams, Attorney
Three Affiliated Tribes Legal Department
Tribal Administration Building
404 Frontage Road
New Town, ND 58763
Facsimile: (701) 627-3626

6/6/08
Date

Judith M. McTernan
Title