

From: [Allen, Robin](#)
To: [Bullock, Patricia](#); [Armor, Suzanne](#); [Bragan, Mary Jo](#)
Subject: In the Matter of Jerry O'Bryan, Curdsville, Kentucky, Docket N. CWA-04-2018-5501(b); Order Denying Petition to set Aside Consent Agmt & Proposed Final Order
Date: Wednesday, July 22, 2020 1:21:36 PM
Attachments: [Tab1 Order Deny Petition](#) [Tab 2 Motion Granted.pdf](#)
[Tab3.pdf](#)
[Tab 4A.pdf](#)
[Tab 4B.pdf](#)
[Tab 4C.pdf](#)
[Tab 5.pdf](#)

Good Afternoon Pat:

Attached is the Order Denying the Petition to Set Aside Consent Agreement and Proposed Final Order accompanied with the complete record for filing with the Regional Hearing Clerk in accordance with 40 C.F.R. §22.45(c)(4)(vii)(A). The parties in this matter, Respondent and Petitioner, were served copies of this Order and complete file via certified mail, return receipt requested on this date. I placed these documents in the mail room and they should go out today. I also made copies of certified receipts and have them for my record. I anticipate submitting Notice for this Order to the HQ Federal Register (FR) team on or before 28 July, which will provide public notice of this Order IAW the C.F.R. and Section 309(g)(4)(C) of the CWA of this Order in the Federal Register. I still have to figure out exactly what/how to submit documents to the HQ FR team.

Suzanne & Mary Jo: I am serving copies of these documents on you, as indicated in the certificate of service.

40 CFR §22.45(c)(4)(vii) Upon a finding by the Petition Officer that a resolution of the proceeding without a hearing is appropriate, the Petition Officer shall issue an order denying the petition and stating reasons for the denial. The Petition Officer shall:

(A) File the order with the Regional Hearing Clerk;

(B) Serve copies of the order on the parties and the commenter; and

(C) Provide public notice of the order.

(viii) Upon a finding by the Petition Officer that a resolution of the proceeding without a hearing is appropriate, the Regional Administrator may issue the proposed final order, which shall become final 30 days after both the order denying the petition and a properly signed consent agreement are filed with the Regional Hearing Clerk, unless further petition for review is filed by a notice of appeal in the appropriate United States District Court, with coincident notice by certified mail to the Administrator and the Attorney General. Written notice of appeal also shall be filed with the Regional Hearing Clerk, and sent to the Presiding Officer and the parties.

(ix) If judicial review of the final order is denied, the final order shall become effective 30 days after such denial has been filed with the Regional Hearing Clerk.

Robin

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