



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Tom Villegas and Amy Villegas,) Docket No. CWA-07-2022-0104
)
Respondents.)

**ORDER ON AGENCY’S MOTION TO WITHDRAW ADMINISTRATIVE
COMPLAINT**

This matter commenced on August 2, 2022, when the Director of the Enforcement and Compliance Assurance Division of Region 7 of the U.S. Environmental Protection Agency (“Agency”) filed a Complaint and Notice of Opportunity for Hearing against Tom Villegas and Amy Villegas (“Respondents”), alleging violations of Sections 301 and 404 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1344.

On April 20, 2023, Respondents filed a civil action in federal court in which they seek to enjoin this administrative proceeding. *See Villegas v. Regan*, No. 2:23-cv-02171-EFM-TJJ (D. Kan. filed April 20, 2023). Thereafter, at the Agency’s request, I stayed this matter while the Agency considered whether to pursue its enforcement action against Respondents in federal court rather than administratively. *See Order on Agency’s Mot. for Recons. of Order on Mot. to Stay* (May 25, 2023).

Now before me is the Agency’s Motion to Withdraw Administrative Complaint (July 7, 2023) (“Motion”). In the Motion, the Agency states that it has “decided to forego efforts to assess penalties for the previously alleged violations through administrative proceedings. EPA will instead pursue any further action to assess civil penalties, if any, for the previously alleged violations judicially in an Article III court pursuant to 33 U.S.C. § 1319(d).” Mot. at 2. In light of this decision, the Agency seeks to withdraw the Complaint “*with prejudice* to re-filing administratively.” Mot. at 2. In response, Respondents “stipulate that they have no objection to the Agency’s withdrawal of its administrative complaint, Docket No. CWA-07-2022-0104, with prejudice to the Agency re-filing administratively,” and they further “request that the Tribunal grant the [Motion] and dismiss the [Complaint] with prejudice.” Resp’ts’ Resp. to Agency’s Mot. to Withdraw Administrative Compl. (July 10, 2023).

In light of the parties’ shared request, the Agency’s Motion is **GRANTED**. The Complaint is withdrawn **with prejudice** to re-filing administratively, and this proceeding is dismissed. This matter will now be marked closed and removed from the docket.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: July 10, 2023
Washington, D.C.

In the Matter of *Tom Villegas and Amy Villegas*, Respondents.
Docket No. CWA-07-2022-0104

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Agency's Motion to Withdraw Administrative Complaint**, dated July 10, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Original by OALJ E-Filing System to:
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Dated: July 10, 2023
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