



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 FEB 20 PM 1:05

IN THE MATTER OF:

MCLAREN TAILINGS SITE
COOKE CITY,
PARK COUNTY, MONTANA

STATE OF MONTANA,
SETTLING RESPONDENT

Respondent

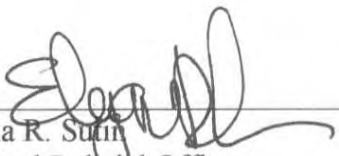
)
) **DOCKET NO.: CERCLA-08-2008-0003**
)
) **ORDER GRANTING MOTION**
) **TO WITHDRAW AGREEMENT AND**
) **COVENANT NOT TO SUE THE STATE**
) **OF MONTANA**
)
)
)
)

Pursuant to 40 C.F.R., §22.14(d) of EPA's Consolidated Rules of Practice, on February 19, 2008, the Complainant filed a "Motion to Withdraw Agreement and Covenant Not to Sue the State of Montana" in the matter of McLaren Tailings Site, Cooke City, State of Montana, Settling Respondent.

The Parties seek to withdraw the original Agreement due to statutory and typographical errors within the document.

For reasons stated above the "Motion to Withdraw Agreement and Covenant Not to Sue the State of Montana" is hereby **GRANTED**.

SO ORDERED THIS 28th day of February, 2008



Elyana R. Sutin
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING MOTION TO WITHDRAW AGREEMENT AND COVENANT NOT TO SUE THE STATE OF MONTANA** in the matter of **MCLAREN TAILING SITE and THE STATE OF MONTANA; DOCKET NO.: CERCLA-08-2008-0003** was filed with the Regional Hearing Clerk was filed on February 28, 2008.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Richard H. Baird, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail via first-class mail on February 28, 2008, to:

Nathaniel Douglas, Esq.
Senior Attorney
U. S. Department of Justice
Environmental and Natural Resource Section
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

And

C. Bradley Smith
DEQ Legal Counsel
Montana Department of Environmental Quality
1100 N. Last Chance Gulch
P. O. Box 200901
Helena, MT 59620-0901

February 28, 2008

Tina Artemis
Paralegal/Regional Hearing Clerk

