

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY 2013 MAY -3 PM 1:13
REGION 8

IN THE MATTER OF:)
)
City of Dupree, South Dakota)
Dupree, South Dakota)
NPDES Permit No. SDG589116.)
)
Respondent.)

FILED
EPA REGION VIII
HEARING CLERK
Docket No. CWA-08-2011-0040
SETTLEMENT STATUS UPDATE

Amy Swanson, Enforcement Attorney for Complainant United States Environmental Protection Agency (EPA) Region 8, and Eric Bogue of Bogue & Bogue, LLP, Attorney for Respondent City of Dupree, jointly submit this Settlement Status Update in response to the ORDER ON JOINT MOTION TO VACATE ORDER TO FILE PREHEARING INFORMATION EXCHANGES issued by The Honorable Elyana R. Sutin, Regional Judicial Officer, dated March 5, 2013.

1. The parties have reached a settlement in principle to fully resolve this matter based on the City Council for the City of Dupree approving the EPA's settlement offer on March 4, 2013.
2. Respondent currently is working on a Supplemental Environmental Project (SEP) proposal in accordance with the EPA's 1998 SEP Policy for the EPA's review and approval to possibly off-set the cash portion of the penalty.
3. Pursuant to a phone call between the undersigned on May 2, 2013, the parties agreed that subject to approval by the presiding officer, the Respondent will submit its SEP proposal to the EPA on or before June 5th. If the SEP proposal is not submitted or deemed viable or acceptable to the EPA as of that date, the parties further agree that the Respondent will forego a SEP and the settlement will consist solely of a cash penalty.

4. Regardless of whether the settlement includes a SEP or not, the parties agreed that subject to approval by the presiding officer, they will submit a fully-executed Consent Agreement to the presiding officer no later than July 10, 2013, with a request that it be incorporated into a Final Order.

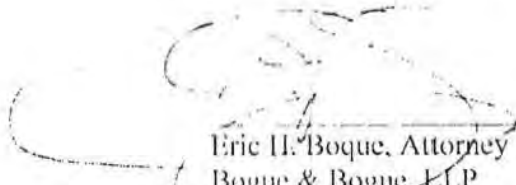
Respectfully submitted,

Date: 5/3/2013



Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-1.)
Denver, CO 80202-1129
Telephone: (303) 312-6906
Facsimile: (303) 312-6953
Attorney for Complainant

Date: 5/3/13



Eric H. Boque, Attorney
Bogue & Bogue, LLP
416 Main Street
Faith, SD 57626-0250
Telephone: (605) 967-2529
Email: boguelaw@faithsd.com
Attorney for Respondent City of Dupree

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the SETTLEMENT STATUS UPDATE were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

Via hand-delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202-1129

Via electronic and regular mail to:

Eric H. Bogue
Bogue & Bogue, LLP
416 Main Street
Faith, SD 57626-0250
Email: boguelaw@faithsd.com

Dated:

5/3/2013

By:

