



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2013 MAR -5 AM 10:13

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EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2011-0040

THE CITY OF DUPREE, SOUTH DAKOTA)
Dupree, SD)

NPDES PERMIT NO. SDG589116)

RESPONDENT)

ORDER ON JOINT MOTION
TO VACATE ORDER TO
FILE PREHEARING
INFORMATION EXCHANGES

On March 1, 2013, the parties filed a Status Order and Joint Motion to Vacate Order to File Prehearing Information Exchanges. The parties have been negotiating a settlement agreement and need additional time to obtain approvals for the penalty as well as discuss Supplemental Environmental Project options. The parties state that it is in the best interest of all parties to continue pursuing settlement at this juncture.

If the parties have not reached a settlement agreement by May 1, 2013, I will require a conference call to discuss next steps in the matter. Therefore, the January 17, 2013, Fourth Order to File Prehearing Exchange is VACATED.

SO ORDERED THIS 5th of March, 2013.

Elyana R. Sutin
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER ON JOINT MOTION TO VACATE ORDER TO FILE PREHEARING INFORMATION EXCHANGE**, in the matter of **THE CITY OF DUPREE, SOUTH DAKOTA; DOCKET NO.: CWA-08-2011-0040** was filed with the Regional Hearing Clerk on March 5, 2013.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, 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 certified/return receipt requested and e-mailed on March 5, 2013, to:

Respondent's Attorney's:

Eric H. Bogue
Bogue and Bogue, LLP
P. O. Box 250
Faith, SD 57626
boguelaw@faithsd.com

And e-mailed to:

Honorable Elyana R. Sutin
Regional Judicial Officer
1595 Wynkoop Street (8RC)
Denver, CO 80202

March 5, 2013


Tina Artemis
Paralegal/Regional Hearing Clerk