



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2017 FEB 22 PM 1:02

FILED
EPA REGION VIII
HEARING CLERK

MEMORANDUM

SUBJECT: Close Out Memo for Administrative Docket Number CWA-08-2009-0007

FROM: Andrea Madigan, Acting Director
Legal Enforcement

TO: File

FEB 01 2017

Ref: 8ENF-W-WO

This letter serves as an internal memo to the file to close the Administrative Order Docket No. CWA-08-2009-0007 issued to David Hamilton on 3/9/2009. The David Hamilton case was litigated by the U.S. Department of Justice in April 2014. The EPA did not prevail in this case, and therefore this matter is closed.

A copy of this letter will not be sent to the respondent, but rather serves as an internal record to acknowledge that nothing further will be tracked or is expected to be received from the respondent at this time. We believe this matter to be resolved and will update our internal electronic data systems accordingly.

If you have any questions regarding this matter, please contact Kenneth M. Champagne at 303-312-6608.

Sincerely,



Andrea Madigan

Acting Director, Legal Enforcement



FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2014 APR 14 PM 2 46

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

STEPHAN HARRIS, CLERK
CHEYENNE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID L. HAMILTON and HAMILTON
PROPERTIES,

Defendants.

Case No. 2:10-CV-00231-ABJ

FINAL JUDGMENT

THIS MATTER came for trial before a jury of eight persons on the United States' Complaint alleging that Defendants David L. Hamilton and Hamilton Properties: (1) violated 33 U.S.C. § 1311(a) by discharging a pollutant into navigable waters without a permit issued pursuant to 33 U.S.C. § 1344, and (2) violated 33 U.S.C. § 1319 by not complying with an Administrative Order for Compliance issued by the U.S. Environmental Protection Agency. The jury found that the Defendants' activities on Slick Creek fell within both the "normal farming and ranching activities," 33 U.S.C. § 1344(f)(1)(A), and the "construction and maintenance of irrigation ditches," 33 U.S.C. § 1344(f)(1)(C), exemptions. The jury also found that the Defendants' activities on Slick Creek were not recaptured pursuant to 33 U.S.C. § 1344(f)(2). Because the jury found that Defendants' activities were exempt and not recaptured, their activities did not violate the Administrative Order for Compliance.

Accordingly, **IT IS ORDERED, ADJUDGED, AND DECREED** that the United States' claims against Defendants David L. Hamilton and Hamilton Properties are **DISMISSED WITH PREJUDICE** and that the Defendants are entitled to recover their costs pursuant to Fed. R. Civ. P. 54(d), plus interest at the statutory rate of 0.12%.

Dated this 14th day of April, 2014.


Alan B. Johnson
United States District Judge