

FILED

10/7/2024

9:00 AM

U.S. EPA REGION 8
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

<p>IN THE MATTER OF:</p> <p>Stone Creek Homeowners Association and Scott Prusia, Respondents</p> <p>(PWS ID# WY5601586)</p>	<p>Docket No. SDWA-08-2024-0031</p> <p>UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT</p>
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The Complainant in this proceeding moves for leave to amend the Complaint filed on May 28, 2024. An unsigned copy of the proposed Amended Complaint is attached. In the proposed Amended Complaint, the president of the Stone Creek Homeowners Association is no longer named as a Respondent, and the proposed penalty is \$2,000.

The Respondents named in the May 28, 2024 Complaint are not opposed to this motion.

Under 40 C.F.R. § 22.14(c), a complainant may amend a complaint once as a matter of right at any time before an answer is filed. Otherwise, the complainant may amend the complaint only upon motion granted by the Presiding Officer. The Complainant is seeking leave to amend out of caution, in case the Presiding Officer considers the one filing by any person other than the Complainant in this proceeding, which was an email dated June 24, 2024, to constitute an answer for purposes of 40 C.F.R. § 22.14(c). If the Presiding Officer does not consider this filing to constitute an answer for this purpose, counsel for the Complainant requests that the Presiding Officer or Regional Hearing Clerk notify the parties that Complainant may file the Amended Complaint without the Presiding Officer granting this motion.

Respectfully submitted,

Margaret J. (Peggy) Livingston
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below a copy of the UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT was emailed to (1) the Regional Hearing Clerk, EPA, Region 8, at [R8 Hearing Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov), and (2) Scott Prusia, President of Stone Creek Homeowners Association, at s_prusia@yahoo.com.

Date: _____

By: _____