

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 FEB 19 PM 2:44

IN THE MATTER OF:)
 McLaren Tailings Site, Cooke City,)
 Park County, Montana)
)
 STATE OF MONTANA,)
 SETTLING RESPONDENT)
)
 UNDER THE AUTHORITY OF THE OF)
 THE COMPREHENSIVE ENVIRONMENTAL)
 RESPONSE, COMPENSATION, AND)
 LIABILITY ACT OF 1980, 42 U.S.C. §§ 9601-)
 9675)

REGIONAL HEARING CLERK

AGREEMENT AND COVENANT
NOT TO SUE
THE STATE OF MONTANA

Docket No.: CERCLA-08-2008-0003

MOTION TO WITHDRAW

The parties to the Agreement and Covenant Not To Sue The State of Montana (Agreement), the United States Department of Justice (DOJ), the United States Environmental Protection Agency, Region 8 (EPA), and the State of Montana (State) (collectively, the Parties), filed the Agreement with the EPA Regional Hearing Clerk, on February 8, 2008, as Docket No.: CERCLA-08-2008-0003. The Parties seek now to withdraw the Agreement and as grounds therefore state that the withdrawal is necessary to correct a statutory citation on page 1, and typographical errors on pages 8 and 17 of the Agreement. Counsel for DOJ and the State have authorized Counsel for the EPA to file this Motion:

WHEREFORE, the Parties respectfully request that they be permitted to withdraw the Agreement so that the aforementioned corrections can be made.

Respectfully submitted,

United States Environmental
Protection Agency, Region 8

2/19/08
Date



Richard H. Baird, Esq.
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Legal Enforcement Program, 8ENF-L
1595 Wynkoop Street
Denver, CO 80202-1129

IN THE MATTER OF: McLaren Tailings Site, Cooke City, Park County, Montana
Docket No. CERCLA-08-2008-0003

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion To Withdraw dated February 19, 2008 .
was served this date as follows:

The original and one copy via hand delivery to:

Regional Hearing Clerk
U.S. EPA, Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

A true copy, via first class mail, postage prepaid, to:

Nathaniel Douglas, Esq.
Senior Attorney
U.S. Department of Justice
Environment and Natural Resource Section
Environmental Enforcement Section
P.O. Box 7611
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Washington, D.C. 20044-7611

And

C. Bradley Smith
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Montana Department of Environmental Quality
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Helena, MT 59620-0901

2/19/08
Date


Richard H. Baird