

**U. S. ENVIRONMENTAL PROTECTION AGENCY**  
**BEFORE THE ADMINISTRATOR**

<b>In the Matter of:</b>	)	
	)	
<b>Clearwater USA, Inc.</b>	)	<b>Docket No. CWA-07-2023-</b>
	)	<b>0028</b>
<b>Respondent.</b>	)	
	)	
	)	

**JOINT MOTION TO DISMISS THE COMPLAINT AGAINST  
CLEARWATER USA, INC. WITHOUT PREJUDICE.**

Pursuant to 40 C.F.R. § 22.20, Complainant Environmental Protection Agency ("EPA") and Respondent Clearwater USA, Inc., hereby jointly move to dismiss this Clean Water Act proceeding. During settlement negotiations, Respondent provided EPA with information supporting that Respondent Clearwater USA, Inc., was not the proper entity to pursue for the violations alleged in this matter. The appropriate entity has been identified, a proposed settlement has been reached to resolve that matter pursuant to 40 C.F.R. § 22.18(b), and the EPA published public notice pursuant to 40 C.F.R. § 22.45 on October 5, 2023. As such, Complainant and Respondent respectfully request that the Presiding Officer enter an order dismissing this action without prejudice.

Dated: October 5, 2023

By: /s/ Adam Hilbert  
Adam Hilbert, KBN 29339  
11201 Renner Blvd  
Lenexa, Kansas 66219  
(913) 551-7113 (Phone)  
Hilbert.adam@epa.gov

ATTORNEY FOR COMPLAINANT

By: /s/ Deron A. Anliker  
Deron A. Anliker, KBN 16877  
9101 W. 110th Street, Suite 200  
Overland Park, Kansas 66210  
(913) 498-3536 (Phone)  
danliker@dsdklaw.com

ATTORNEY FOR RESPONDENT

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of the foregoing pleading was sent electronically on October 5, 2023, to the following:

Deron Anliker, Attorney for Respondent  
9101 West 110<sup>th</sup> Street, Suite 200  
Overland Park, Kansas 66210  
[danliker@kc-dsdlaw.com](mailto:danliker@kc-dsdlaw.com)

Original by OALJ E-Filing System  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Administrative Law Judge Christine Donelian Coughlin

**United States Environmental Protection Agency**

By: /s/ Adam Hilbert  
Adam Hilbert, KBN 29339