



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Clearwater USA Inc.,** ) **Docket No. CWA-07-2023-0028**  
 )  
**Respondent.** )

**ORDER ON JOINT MOTION TO DISMISS COMPLAINT**

This matter commenced on April 11, 2023, when the Director of the Enforcement and Compliance Assurance Division of Region 7 of the U.S. Environmental Protection Agency (“Agency”) filed a Complaint and Notice of Opportunity for Hearing against Clearwater USA Inc. (“Respondent”). The Complaint alleges Respondent violated the limits and conditions of its National Pollutant Discharge Eliminations System (“NPDES”) permit issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, and the Act’s implementing regulations.

Since the Complaint was filed, Respondent has generally denied that it was the owner and operator of the site where the violations allegedly took place or that it was the holder of the applicable NPDES permit during the relevant time period. *See, e.g.*, Resp’t’s Letter to Regional Hearing Clerk, U.S. Environmental Protection Agency Region 7 (May 22, 2023); Answer ¶ 15 (Aug. 21, 2023).

On October 5, 2023, the parties filed a Joint Motion to Dismiss the Complaint Against Clearwater USA, Inc. Without Prejudice (“Motion”). In the Motion, the parties state that “[d]uring 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.” Mot. at 1. The parties add that the appropriate entity has been identified and a proposed settlement reached in that separate matter. Mot. at 1. The parties report that the Agency published public notice of that settlement under 40 C.F.R. § 22.45 on October 5, 2023. Mot. at 1. Accordingly, the “Complainant and Respondent respectfully request . . . an order dismissing this action without prejudice.” Mot. at 1.

In light of the parties’ shared request, the joint Motion is **GRANTED**. This proceeding is dismissed without prejudice. This matter will now be marked closed and removed from the docket.

**SO ORDERED.**

*Christine Donelian Coughlin*

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Christine Donelian Coughlin  
Administrative Law Judge

Dated: October 24, 2023  
Washington, D.C.

In the Matter of *Clearwater USA, Inc.*, Respondent.  
Docket No. CWA-07-2023-0028

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Joint Motion to Dismiss Complaint**, dated October 24, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
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Copy by OALJ E-Filing System to:  
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Dated: October 24, 2023  
Washington, D.C.