

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 90-229 (Erie)
	)	
ROBERT BRACE,	)	
ROBERT BRACE FARMS, Inc.	)	
	)	
Defendants.	)	

**UNITED STATES’ MOTION TO ENFORCE CONSENT DECREE  
AND FOR STIPULATED PENALTIES**

The United States, by its attorneys and on behalf of the United States Environmental Protection Agency (“EPA”), hereby moves the Court to enforce the terms of the Consent Decree that this Court entered on September 23, 1996, and for stipulated penalties. As explained in the supporting Memorandum of Law and attached Declaration, Defendants have cleared, ditched, drained, plowed, and planted approximately eighteen (18) acres of wetlands, causing the unpermitted discharge of pollutants into waters of the United States that were required to be restored pursuant to the Consent Decree, violating both the Consent Decree and the Clean Water Act.

Accordingly, the United States respectfully requests that the Court issue an Order enforcing the Consent Decree by requiring Defendants to: (1) restore the wetlands; (2) comply with the permanent injunction; (3) pay the stipulated penalties required by the Consent Decree; (4) reimburse the United States for fees and costs incurred by the United States in seeking enforcement of the Consent Decree; and (5) grant any other monetary and injunctive relief that

the Court deems appropriate. Further, the United States requests that the Court modify the Consent Decree to increase the stipulated penalties to deter Defendants from violating the Consent Decree in the future.

Respectfully submitted,

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Dated: January 9, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2017, I served the foregoing Motion to Enforce Consent Decree and for Stipulated Penalties on the following counsel for Defendants via e-mail and regular mail:

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