



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W-NP

JAN 7 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy I. Westby
Registered Agent for
INREIT Properties, L.L.P.
216 South Broadway, Suite 202
Minot, ND 58701-3852

Dale D. Lian
Registered Agent for
Goldmark Development Corporation
1707 Gold Dr. South
P.O. Box 3024
Fargo, ND 58108-3024

Re: Enclosures for Notice of Proposed
Assessment of Civil Penalty against
INREIT Properties, L.L.P. and
Goldmark Development Corporation

Dear Mr. Westby and Mr. Lian:

On December 31, 2008, EPA Region 8 (EPA) issued an administrative penalty complaint against INREIT Properties, L.L.P. and Goldmark Development Corporation. With that complaint, you were to have received copies of EPA's Consolidated Rules of Practice (40 C.F.R. part 22) and a Small Business Regulatory Enforcement and Fairness Act Information Sheet. However, those enclosures were inadvertently omitted from the copies of the complaint that were sent to you.

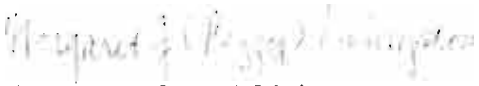
With this letter, please find enclosed copies of EPA's Consolidated Rules of Practice (40 C.F.R. part 22) and EPA's Small Business Regulatory Enforcement and Fairness Act Information Sheet.

The letter accompanying EPA's December 31, 2008 complaint stated that if the Respondents named in the complaint failed to file an answer within 30 days of their receipt of the complaint, they could be found in default and that a default judgment could impose the full penalty proposed in the complaint. In view of the delay in your receipt of the enclosures that

were to have been included with the complaint, EPA does not intend to file a motion for default unless the Respondents fail to file an answer within 30 days of receiving today's letter.

We apologize for any inconvenience caused by the omission of the attachments from the package including the complaint. If you or the Respondents have any questions regarding this letter or EPA's December 31, 2008 complaint, please call me at (303) 312-6858 or Amy Clark, Environmental Scientist, at (303) 312-7014.

Sincerely,



Margaret J. (Peggy) Livingston
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Consolidated Rules of Practice (40 C.F.R. part 22)
Small Business Regulatory Enforcement and Fairness Act Information Sheet

cc: Tina Artemis, Regional Hearing Clerk (with enclosures)
David Glatt, North Dakota Department of Health (with enclosures)

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of the foregoing letter regarding "Enclosures for Notice of Proposed Assessment of Civil Penalty against INREIT Properties, LLLP, and Goldmark Development Corporation," including the enclosed (1) Consolidated Rules of Practice, 40 C.F.R. part 22 and (2) Small Business Regulatory Enforcement and Fairness Act Information Sheet, to each of the following:

Randy I. Westby
Registered Agent for
INREIT Properties, L.L.P.
216 South Broadway, Suite 202
Minot, ND 58701-3852

Dale D. Lian
Registered Agent for
Goldmark Development Corporation
1707 Gold Dr. South
P.O. Box 3024
Fargo, ND 58108-3024

Certified Mail
Return Receipt Requested
No. 7004-1350-0001
5669-8506

Certified Mail
Return Receipt Requested
No. 7004-1350-0001
5669-8513

David Glatt
North Dakota Department of Health
918 East Divide Avenue
Bismarck, ND 58501-1947

Certified Return Receipt No. 7008-1830-0001-2697-7591

The original and one copy were hand-delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Date: 1/7/09

Judith M McTernan