

ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED

08 OCT 23 AM 9:23

REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF

ALTEC PETROLEUM GROUP, INC.
PAWHUSKA, OK.

RESPONDENT

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DOCKET NO. 06-2008-1832

MOTION TO AMEND THE COMPLAINT

Comes Now Complainant, Director of the Compliance Assurance and Enforcement Division and files this Motion to Amend the Complaint pursuant to 40 C.F.R. §§ 22.14(c) and 22.16. Complainant respectfully requests to amend the Complaint based upon new information discovered through the research of the Complainant's enforcement officer. Through this research Complainant has determined that the receiving water body was incorrectly named in its Complaint. Specifically, the Complaint alleged that Respondent's facility was a point source that discharged pollutants to receiving waters of a "tributary of Rock Creek". After investigation the EPA enforcement officer determined that the receiving tributary did not flow towards Rock Creek but flowed instead into the South Fork of Pond Creek. Thus, the description of the impacted waters was mischaracterized as alleged in the Complaint. A copy of the amended Complaint is attached to this Motion.

Complainant has asked the Respondent if it objects to Complainant's Motion to Amend the Complaint prior to filing its Motion. Respondent has stated that it has no objections. Additionally, no harm will come upon the Respondent's case in the event that the Presiding Officer grants Complainant's Motion as a hearing date has yet to be scheduled and ample time exists for each party to prepare its case for hearing.

For these reasons Complainant respectfully requests that the Court grants its Motion to Amend its Complaint.

Respectfully Submitted,



Lorraine Dixon

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2008, the original of the foregoing
Complainant's Motion to Amend its Complaint, CWA-06-2008-1832 was hand delivered
To the Regional Hearing Clerk, and that a true and correct copy of the foregoing has been
Served upon the following:

VIA Certified Mail

Patrick Adams
President
Alec Testing and Engineering, Inc.
6035 Fremont Street
Riverside, CA 92504

DATED: OCT 23 2008

SIGNED: _____

Jackie Samuel