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FILED
EPA REGION VIII
HEARING CLERK

October 14, 2014

Ms. Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Proposed Assessment of Class 1 Civil Penalty under Section 311 of the Clean Water Act
Docket No. CWA-08-2014-0030

Dear Ms. Artemis:

We have received your letter of October 12 along with the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING and, with this letter, wish to request a public hearing as provided in the OPPORTUNITY TO REQUEST A HEARING section.

By way of explanation, I offer the following:

Some time ago, my company retained the services of Emily Huettl, PE of Ackerman-Estvold, a consulting engineering firm in Minot, ND to develop a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

Ms. Huettl has been working with EPA technicians in the development of this plan over an extended period of time. Most recently, she has worked with Christopher Ajayi. Richard Blahut, formerly of this firm, was Gratech's representative in the effort. Mr. Blahut left employment here in early June of this year.

On September 15, Mr. Ajayi telephoned our office and advised me of the proposed penalty. He stated he had not heard from Ms. Huettl in some time concerning changes he requested to her plan draft and because he had not heard from her, EPA felt it necessary to pursue the present legal action.

When I called Ms. Huettl on September 16 to inform her of this development, she expressed surprise, saying she had made the requested changes. She immediately emailed Mr. Ajayi a copy.

Whether Ms. Huettl prepared and then failed to send the draft to Mr. Ajayi or he simply did not receive it is unclear to me. In any event, when it became known he did not have it I asked Ms. Huettl to provide him with another copy which she did promptly. Mr. Ajayi requested some additional changes to this latest draft which have now been incorporated and we have, as of October 10, 2014 an approved and engineered SPCC plan.

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I hope this information is helpful. I am hopeful this matter can be resolved through an informal conference but understand the process requires that I must make this request. Please let me know if anything additional is required of us at this time.

Sincerely,

GRATECH COMPANY, LLC

A handwritten signature in cursive script that reads "Harley E. Neshem".

Harley E. Neshem
President

enclosure: 2nd copy

Copy to:
Ms. Peggy Livingston, Enforcement Attorney (8ENF-L)
U.S. EPA Region 8, Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202-1129

Copy to: Mr. Christopher Ajayi via email only
Ms. Emily Huettl via email only