



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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FILED
EPA REGION VIII
HEARING CLERK

DEC 22 2010

Ref: 8ENF-L

CERTIFIED MAIL No. 7009 3410 0000 2592 8079
RETURN RECEIPT REQUESTED

Glenda Walton, Registered Agent
Dockmaster Inc.
517 Cleveland St. SW
Ronan, MT 59864-2906

Re: Administrative Penalty Complaint
Docket No. CWA-08-2011-0002

Dear Ms. Walton:

On October 28, 2010, the U.S. Environmental Protection Agency (EPA) issued an Administrative Complaint (penalty complaint) to Dockmaster Inc. (Dockmaster) under § 309 of the Clean Water Act (CWA), 33 U.S.C. § 1319. The penalty complaint alleged that Dockmaster violated the CWA by discharging pollutants into Flathead Lake without a CWA permit.

The penalty complaint proposed that EPA assess a penalty of \$10,000 against Dockmaster. The penalty complaint stated that if Dockmaster wished to contest the allegations in the penalty complaint, Dockmaster would be required to file an answer with the Regional Hearing Clerk for EPA Region 8 within thirty days of Dockmaster's receipt of the penalty complaint. The complaint also stated that if Dockmaster failed to request a hearing or file a written answer within thirty days of its receipt of the penalty complaint, Dockmaster could be subject to a default judgment imposing the full penalty proposed in the penalty complaint.

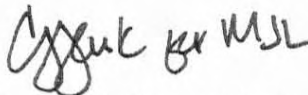
According to EPA's records, Dockmaster received the penalty complaint on November 18, 2010. However, no answer or request for hearing from Dockmaster is on file with the Regional Hearing Clerk for EPA Region 8. Therefore, EPA would be entitled to file a motion for default asking the Regional Judicial Officer to assess the entire \$10,000 penalty against Dockmaster. **However, our office will not file such a motion if Dockmaster files an answer with the Regional Hearing Clerk by January 10, 2011.** In addition, as required by 40 C.F.R. part 22, a copy of which was provided to Dockmaster with the penalty complaint, a copy of the answer would need to be sent to me, as counsel of record for EPA.



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If you have any questions or comments, please contact Ken Champagne, Technical Enforcement, who can be reached at 800/227-8917, extension 6608. If Dockmaster is represented by an attorney, please ask your attorney to call me at 800/227-8917, extension 6858 or, in my absence, David Janik, Senior Supervisory Attorney, at 800/227-8917, extension 6719.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Livingston" with a stylized flourish at the end.

Margaret J. (Peggy) Livingston
Enforcement Attorney

cc:

Kenneth Champagne, 8ENF-W
David Janik, 8ENF-L



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