

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

FILED 7 9
EPA REGION 8
HEARING CLERK
8/16/2013
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In Re:)
))
Maralex Disposal, LLC)
))
Dkt. No. SDWA-8-2011-0079)

SDWA Appeal No. 13-01

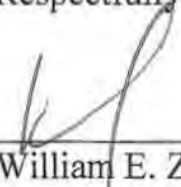
NOTICE OF APPEAL

Appellant, Maralex Disposal, LLC (“Maralex”), by and through counsel, William E. Zimsky, in accordance with 40 C.F.R. § 22.30(a), hereby submits this Notice of Appeal seeking review of the Initial Decision of Presiding Officer Elyana R. Sutin issued on July 8, 2013, assessing a civil penalty of \$85,000 for violations of Section 1423 of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c)(1) and 40 C.F.R. § 144.51(q)(1). This Notice of Appeal is being filed within 30 days of receiving the Initial Decision by Certified Mail, Return Receipt requests. See Exhibit 1, attached hereto (email from Regional Hearing Clerk stating that Return Receipt executed on July 16, 2013.)

An appeal brief is attached.

Dated: August 15, 2013

Respectfully submitted,



William E. Zimsky

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Durango, CO 81301
Phone: (970) 385-4401
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Attorney for Appellant

CERTIFICATE OF SERVICE


I hereby certify that a true copy of this **Notice of Appeal** was sent on August 15, 2013, via First Class Mail, Postage Prepaid (and via email) to the following persons:

Amy Swanson
Senior Enforcement Attorney
U.S. EPA – Region 8
1595 Wynkoop Street,
Denver, CO 80202
Swanson.Amy@epamail.epa.gov

Counsel for Appellee, the Environmental Protection Agency

Tina Artemis
Regional Hearing Clerk
EPA Region 8
1595 Wynkoop Street
Denver, Colorado
Artemis.Tina@epamail.epa.gov

By:


William E. Zimsky

"Artemis, Tina" <Artemis.Tina@epa.gov>
To: William Zimsky <bill@abadieschill.com>
Cc: "Swanson, Amy" <Swanson.Amy@epa.gov>
RE: SDWA-08-2011-0079 MARALEX DISPOSAL, LLC.

August 5, 2013 3:35 PM

1 Attachment, 3 KB

Mr. Zimsky: The date on the return receipt is July 16, 2013.

Let me know if there is anything else you need.

Tina Artemis

Paralegal/Regional Hearing Clerk
U. S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
Telephone: 303-312-6765
E-mail: artemis.tina@epa.gov

From: William Zimsky [mailto:bill@abadieschill.com]
Sent: Monday, August 05, 2013 3:22 PM
To: Artemis, Tina
Cc: Swanson, Amy
Subject: SDWA-08-2011-0079 MARALEX DISPOSAL, LLC.

Tina,

I am going to file a Notice of Appeal and Appellant's Brief in the above reference matter. The Presiding Judge issued her Initial Decision on July 8, 2013.

Could you provide me with the date of receipt of service of the Initial Decision?

Thank you.

Bill Zimsky

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a professional corporation

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