

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 AUG 16 PM 12:55

IN THE MATTER OF:)
)
Tamarack II, LLC)
)
Respondent.)
)
)
)

Proceeding under Section 1414 of the Safe
Drinking Water Act, 42 U.S.C. § 300g-3
Docket No. SDWA-08-2011-0022

FILED
REGION VIII
HEARING CLERK

**ORDER GRANTING LEAVE TO AMEND COMPLAINT
AND EXTEND DEADLINES**

On August 10, 2011, Complainant filed a Motion for Leave to Amend Complaint and for Extension of Deadlines. In its Motion, Complainant states the purpose of amending the complaint is to add two new counts: (1) failure to monitor the drinking water at the Fazooli's Family Italian Water System for coliform, in violation of Administrative Order No. SDWA-08-2010-0072, and (2) failure to notify the State of Montana and the EPA of the failure to monitor for coliform. Pursuant to 40 C.F.R. § 22.14(c), the complainant may amend the complaint upon motion granted by the Presiding Officer. Having considered the grounds for this motion, this court GRANTS the Motion with respect to amending the complaint. Complainant may file an amended complaint within 30 days of the date of this Order.

Complainant also requested this court to extend the deadlines for filing dispositive motions and a time for the pre-trial conference as set in the June 30, 2011 Scheduling Order. In order to allow Respondent appropriate time to answer any amended complaint filed by the Agency, it is appropriate to extend the deadlines.

Accordingly, the parties shall adhere to the following schedule:

September 16, 2011 – Last day Complainant can file an amended complaint.

The deadline for the parties to file dispositive motions shall be sixty (60) days after EPA files its amended complaint.

September 30, 2011 - The parties shall contact the Regional Hearing Clerk to establish a date and time for a Pre-hearing conference.

It is so ORDERED on this 16th day of August, 2011.



Elyana R. Sutin
Regional Judicial Officer
U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING LEAVE TO AMEND COMPLAINT AND EXTEND DEADLINES**, in the matter of **TAMARACK II, LLC.; DOCKET NO.: SDWA-08-2011-0022** was filed with the Regional Hearing Clerk on August 16, 2011.

Further, the undersigned certifies that a true and correct copy of the document was delivered via e-mail to Margaret "Peggy" Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on August 16, 2011, to:

Joshua Townsley
Registered Agent
Tamarack II, LLC
105 Blacktail Road
Lakeside, MT 59922

And e-mailed to:

Honorable Elyana R. Sutin, Regional Judicial Officer
U. S. Environmental Protection Agency – Region 8
1595 Wynkoop Street
Denver, CO 80202-2466

August 16, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk