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February 25, 2009

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U.S. Environmental Protection Agency  
Region 8  
Regional Hearing Clerk  
1595 Winkoop Street  
Mail Code 8RC  
Denver, CO 80202

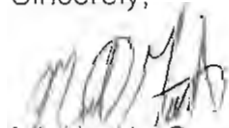
Re: In the matter of INREIT Properties, LLP and Goldmark Development Corp.  
Docket No. CWA-08-2009-0004

Dear Clerk:

Please find enclosed the response of INREIT Properties, LLP and Goldmark Development Corporation to penalty complaint and notice of opportunity for hearing, document no. CWA-08-2009-0004. Respondents have requested a hearing on this matter and we are currently working with Peggy Livingston to set a date for that hearing.

Should you require anything further from me at this time, please feel free to contact me at 701-235-3300.

Sincerely,



Michael L. Gust

MLG/jje  
cc: Peggy Livingston  
Enclosures  
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5. Paragraphs 14-21, 23, 24, and 34 contain statements or conclusions of law to which no response is necessary. To the extent a response is deemed necessary, Respondents deny the same.

6. With regards to the statements contained in paragraph 10, 32, 33 and 35, Respondents are without sufficient information to admit or deny these statements and therefore deny the same.

### AFFIRMATIVE DEFENSES

7. Upon information and belief, Respondents allege that the area complained of in the Penalty Complaint was for a total disturbance of less than five acres, and therefore Respondents could have preformed the work under their small construction activity permits filed annually with the State of North Dakota. These are no cost permits.

### REQUEST FOR HEARING

8. Respondents, individually and jointly, request a hearing on the Penalty Complaint and Notice of Opportunity For Hearing.

Dated this 23<sup>rd</sup> day of February, 2009.



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