

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

COPY

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IN THE MATTER OF) Docket No. RCRA-08-2008-003
)
The Three Affiliated Tribes)
And Dave Williams, individually) **ANSWER AND REQUEST FOR**
) **HEARING**
)
(West Dakota Service)
211 Main Street)
New Town, ND 58763)
EPA ID Number 3010011)
)
Respondents)

Pursuant to 40 C.F.R. Part 22, Respondents Three Affiliated Tribes and Dave Williams, individually, hereby answers the Complaint filed by the United States Environmental Protection Agency Region 8 as follows:

ANSWER

1. An answer is not necessary for this paragraph.
2. An answer is not necessary for this paragraph.
3. An answer is not necessary for this paragraph.
4. An answer is not necessary for this paragraph.
5. An answer is not necessary for this paragraph.
6. Admit in part and Deny in part. Respondent Three Affiliated Tribes ("Tribe") admits it owns the facility known as West Dakota Service. However, Mr. Dave Williams is presently employed as the Tribe's property manager and does not actually operate nor have any ownership interest in the facility. Previously when Mr. Williams was employed as the manager of the West Dakota facility, he was considered an employee with the Tribe being the legal operator.

7. Admit
8. Admit
9. Admit in part and Deny in Part. Respondent Tribe admits it is the legal owner and operator of the facility. Deny that Mr. Dave Williams either an owner or operator under 42 U.S.C. §6991 (3) and (4). Mr. Dave Williams is presently employed as the Tribe's property manager and does not actually operate nor have any ownership interest in the facility. . Previously when Mr. Williams was employed as the manager of the West Dakota facility, he was considered an employee with the Tribe being the legal operator.
10. An answer is not necessary for this paragraph.
11. Admit
12. Admit
13. Admit
14. Admit
15. Admit
16. An answer is not necessary for this paragraph.
17. An answer is not necessary for this paragraph.
18. An answer is not necessary for this paragraph.

COUNT 1

Failure to provide adequate leak detection.

19. Admit
20. Admit
21. Admit

CERTIFICATE OF SERVICE

The undersigned hereby certifies that that the original and one copy of the ANSWER AND REQUEST FOR HEARING with Respondent Exhibits 1-5 were delivered via FEDERAL EXPRESS to the **Regional Hearing Clerk, EPA –REGION VIII, Wynkoop Street, Denver, Colorado, 80202-1129**, and a true copy was send via certified mail to:

Amy Swanson, Enforcement Attorney
U.S. EPA – Region VIII
1595 Wynkoop St. (8ENF-L)
Denver, CO 80202-1129

Date: 2/1/08

By: 
Damon K. Williams, Attorney
Respondent Three Affiliated Tribes