



4. In response to the allegations of Paragraph 9 of the Complaint, Respondent admits.
5. In response to the allegations of Paragraph 10 of the Complaint, Respondent admits.
6. In response to the allegations of Paragraph 11 of the Complaint, Respondent admits.
7. In response to the allegations of Paragraph 12 of the Complaint, Respondent admits.
8. In response to the allegations of Paragraph 13 of the Complaint, Respondent admits.
9. In response to the allegations of Paragraph 14 of the Complaint, Respondent admits that Mountain Vista Veterinary owns and operates a Class V well located at 551 Hwy. 37 in Eureka, MT (faulty).
10. In response to the allegations of Paragraph 15 of the Complaint, Respondent denies. Respondent did not respond in writing, but communicated verbally with representatives of the EPA.
11. In response to the allegations of Paragraph 16 of the Complaint, Respondent admits.
12. In response to the allegations of Paragraph 17 of the Complaint, Respondent admits.
13. In response to the allegations of Paragraph 18 of the Complaint, Respondent admits.

14. In response to the allegations of Paragraph 19 of the Complaint, Respondent admits.

15. In response to the allegations of Paragraph 20 of the Complaint, Respondent admits.

16. In response to the allegations of Paragraph 21 of the Complaint, Respondent admits.

17. In response to the allegations of Paragraph 22 of the Complaint, Respondent lacks sufficient information to admit or deny and therefore denies.

18. In response to the allegations of Paragraph 23 of the Complaint, Respondent denies.

19. In response to the allegations of Paragraph 24 of the Complaint, Respondent admits that the statute provides as stated, but denies that the proposed fine is appropriate.

20. In response to the allegations of Paragraph 25 of the Complaint, Respondent denies that the Respondent should be ordered to pay the fine as proposed because Respondent has mitigated the seriousness of the alleged violation, made good faith efforts to comply, has no past compliance issues, and the fine would impose an unreasonable economic impact on the Respondent.

21. In response to the allegations of Paragraph 26 of the Complaint, Respondent contests the fine and, consequently, will not be paying the penalty.

22. In response to the allegations of Paragraph 27 of the Complaint, Respondent will be submitting a written plan and schedule for compliance on November 2, 2007, as agreed by counsel for the EPA.

23. In response to the allegations of Paragraph 28 of the Complaint, Respondent will submit documentation as requested.

24. In response to the allegations of Paragraph 29-31 of the Complaint, the provisions contain no affirmative allegations to which response is necessary.

### REQUEST FOR HEARING

Respondent requests a public hearing before an administrative law judge to disagree with factual allegations, the appropriateness of the proposed penalty, and to present the grounds for legal defense.

DATED this 1<sup>st</sup> day of November, 2007.

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By:

  
Elizabeth A. O'Halloran

### CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon the following individuals by the means designated below this 1<sup>st</sup> day of November, 2007:

<input checked="" type="checkbox"/> U.S. Mail	Jim Eppers (8ENF-L)
<input type="checkbox"/> Fed Ex	Senior Enforcement Attorney
<input type="checkbox"/> Hand-Delivery	U.S. EPA-Region 8
<input type="checkbox"/> Facsimile	1595 Wynkoop Street
<input type="checkbox"/> Email	Denver, CO 80202



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