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FAX TRANSMITTAL FORM

Date: 5/7/10
To: Peggy Livingston 303-312-7202
Honorable Elyana Sutin 303-312-6859
Tina Artemis 303-312-6859
From: Kyle Pender/Jim Bullis
RE: Docket No. CWA-08-2009-0021

MESSAGE: Please see attached. Thank you.

Originals sent by: US Mail Overnight Not Sent

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CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below, the documents listed below were sent in the following manner to the addressees listed below:

1. Respondents' Motion to Amend Answer;
2. Respondents' Memorandum in Support of Motion to Amend Answer;
3. Respondents 47th Street Townhomes, LLC & Jordahl Custom Homes, Inc.'s Amended Answer to Penalty Complaint and Request for Hearing;
4. Memorandum in Opposition of Complainant's Motion for Partial Accelerated Decision on Liability;
5. Affidavit of Richard Robert Jordahl.

One copy by regular mail and facsimile to:

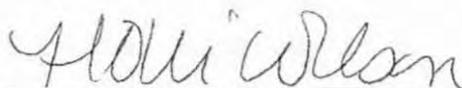
Ms. Peggy Livingston
 Enforcement Attorney
 Office of Enforcement, Compliance
 and Environmental Justice
 US EPA Region 8
 1595 Wynkoop Street
 Denver CO 80202
Fax: 303-312-7202

Honorable Elyana R. Sutin
 Regional Judicial Officer
 US EPA Region 8
 1595 Wynkoop Street
 Denver CO 80202
Fax: 303-312-6859

Original and one copy by regular mail and one copy by facsimile to:

Tina Artemis
 Regional Hearing Clerk
 US EPA Region 8
 1595 Wynkoop Street
 Denver CO 80202
Fax: 303-312-6859

Dated: May 7, 2010.



 Holli Wilson

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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In the Matter of:)
)
47th Street Townhomes, LLC,)
Jordahl Custom Homes, Inc.,)
and)
Master Construction Co., Inc.)
)
Respondents.)
_____)

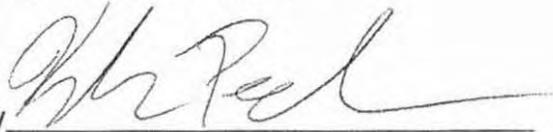
Docket No. CWA-08-2009-0021

**RESPONDENTS' MOTION TO
AMEND ANSWER**

Pursuant to 40 C.F.R § 22.15(e), Respondents, 47th Street Townhomes, LLC and Jordahl Custom Homes, Inc., requests this Court grant its Motion to Amend its Answer to the EPA Region 8's Complaint filed on July 9, 2009. This Motion is based upon Respondents' Memorandum in Support of Motion to Amend Answer, and the Affidavit of Richard Robert Jordahl.

Dated: May 7, 2010.

Respectfully submitted,

By 

Kyle G. Pender ND ID #06300
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Attorneys for Respondents 47th Street
Townhomes, LLC and Jordahl Custom Homes,
Inc.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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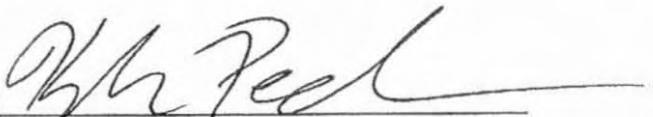
In the Matter of:)	
)	Docket No. CWA-08-2009-0021
47 th Street Townhomes, LLC,)	
Jordahl Custom Homes, Inc.,)	
and)	RESPONDENTS' MEMORANDUM
Master Construction Co., Inc.)	IN SUPPORT OF MOTION
Respondents.)	TO AMEND ANSWER
)	

On July 9, 2009, the EPA filed a Penalty Complaint and Notice of Opportunity for Hearing against Respondents, 47th Street Townhomes, LLC, Jordahl Custom Homes, Inc., and Master Construction Co., Inc. On or about August 14, 2009, Respondents, 47th Street Townhomes, LLC and Jordahl Custom Homes, Inc., submitted their Answer in response to the EPA's Complaint. In their Answer, Respondents, 47th Street Townhomes, LLC and Jordahl Custom Homes, Inc., admitted and denied various allegations made by the EPA. Since filing the Answer, Respondents, 47th Street Townhomes, LLC and Jordahl Custom Homes, Inc., through the discovery process, have learned that many of the allegations made by the EPA in the Penalty Complaint, while initially believed to be true, have not been substantiated as is evidenced by the information contained in the Affidavit of Richard R. Jordahl.

In light of the evidence brought to light during the discovery process, and the change in circumstances resulting from this discovery, Respondents, 47th Street Townhomes, LLC and Jordahl Custom Homes, Inc., request that its Motion to file an Amended Answer pursuant to 40 C.F.R. § 22.15(e) be granted.

Dated: May 7, 2010.

Respectfully submitted,

By 

Kyle G. Pender ND ID #06300

James R. Bullis ND ID #04980

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