



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

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EPA ORC
Office of Regional Hearing Clerk

November 15, 2010

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

Re: In the Matter of Ryzak Oil Co.
Docket No. CWA-01-2010-0012

Dear Ms. Santiago:

Enclosed for the above-referenced action, please find the original and one copy of a letter to the EPA Region 1 Regional Judicial Officer requesting guidance on this matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Peterson".

David Peterson
Senior Enforcement Counsel

Enclosure

cc: Robert Comeau,
Ryzak Oil Co.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

Filed by Hand with the U.S. E.P.A., Region 1 Regional Hearing Clerk

November 15, 2010

Jill Metcalf
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

RE: Ryezak Oil, CWA-01-2010-0012

Dear Ms. Metcalf

On July 15, 2010, EPA Region 1 filed an administrative complaint under Sections 308 and 311 of the Clean Water Act against the Ryezak Oil Company, Rumney, N.H. The company failed to file an answer to EPA's complaint within the regulatory timeframe. After a series of attempts to reach the company, on September 9, 2010 I talked with the company's President, Robert Comeau. Mr. Comeau informed me that he was not represented by counsel. I informed Mr. Comeau that although he had not answered EPA's complaint within the time period called for under the regulations, that EPA would still consider any submission he could make that would help address the allegations made in the complaint. He was told to submit correspondence to the Regional Hearing Clerk, as called for in the complaint.

After a number of weeks the Regional Hearing Clerk had not received any documents from Ryezak Oil/Mr. Comeau. After a number of attempts to call Mr. Comeau, on October 26, 2010 I again talked with him and he told me he had mailed information to EPA the week previously. I suggested he mail another copy of his submission to the Regional Hearing Clerk, with a copy also sent to my office. I received a package from him on or about October 28, 2010. Also, in the meantime, his previous mailing, which was sent to the Director of the Office of Environmental Stewardship in Region 1 rather than to the Regional Hearing Clerk, was located. My understanding from discussions with the Regional Hearing Clerk is that she has not received any correspondence from either Ryezak Oil or Mr. Comeau.

Ryezak Oil, CWA-01-2010-0012

In the package sent by Mr. Comeau is a one-page hand written note describing some of the operations of his facility and a copy of his 2009 Income Tax filing (the letter is attached). Ryezak Oil is a sole proprietorship owned by Mr. Comeau. From my discussions with Mr. Comeau and the content of the letter, it appears Mr. Comeau at least disputes the amount of EPA's requested penalty and may be making an inability to pay claim.

EPA Region 1 is now seeking guidance from your office and the Office of Administrative Law Judges on how to proceed with this matter through the administrative process. Please let me know if you have any additional questions about this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Peterson".

David M. Peterson
Senior Enforcement Counsel
(617) 918-1891

cc: R. Comeau, Ryezak Oil
J. Canzano, EPA
T. Bandrowicz, EPA

Attach: R. Comeau letter to EPA

Ryezak Oil, CWA-01-2010-0012

ATTACHMENT

Letter from Robert Comeau received by EPA Region 1 on or about October 28, 2010. The letter included 2009 federal income tax forms for Mr. Comeau that are not included with this attachment.

There are only 3 people who
Load or unload at this plant

The chance for a spill is very
low

I have two 9,000.0 gal. Tank
on wheel with can be pull over
to empty Tank or a 15,000.0 gal
Tank right beside these tanks
That can be use if the need
should happen

Pat Conner

In the Matter of Ryezak Oil Co.
Docket No. CWA-01-2010-0012

CERTIFICATE OF SERVICE

I certify that the foregoing letter to the EPA Region 1 Regional Judicial Officer was sent to the following persons, in the manner specified, on the date below:

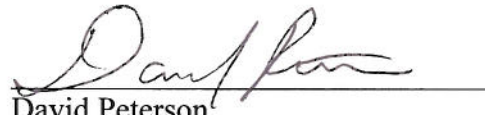
Original and one copy
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square
Boston, MA 02109-3912

Copy by certified mail,
return receipt requested:

Robert Comeau, Owner
Ryezak Oil Co.
1536 Route 25
Rumney, NH 03266

Dated: 11/15/10



David Peterson
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region 1
5 Post Office Square, Suite 100 (OES04-4)
Boston, MA 02109-3912
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