



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Peggy Lovington

2009 JUL -6 PM 12:52

Ref: ENF-W

JUN 17 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael M. Thomas
Registered Agent for
Old Orchard, LLC
406 Main Ave, Suite 200
P. O. Box 2686
Fargo, ND 58108-2686

Brent C. Olson
Registered Agent for
Meridian Commercial Construction, LLC
73 Broadway
P. O. Box 932
Fargo, ND 58107-0932

Re: Notice of Proposed Assessment of Civil
Penalty against Old Orchard, LLC and Meridian
Commercial Construction, LLC

Dear Mr. Thomas and Mr. Olson:

Enclosed is a second copy of Consolidated Rules of Practice (40 C.F.R. part 22) which I believe I originally sent to you with only every other page included. My apologies for the inconvenience.

Thank you.

Susan McDowell

approve or disapprove the State issued statement, in accordance with the requirements of § 21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with § 21.5, on any such statement.

(i) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in § 21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§ 21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

- Sec.
- 22.1 Scope of this part.
 - 22.2 Use of number and gender.
 - 22.3 Definitions.
 - 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
 - 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
 - 22.6 Filing and service of rulings, orders and decisions.
 - 22.7 Computation and extension of time.
 - 22.8 *Ex parte* discussion of proceeding.
 - 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

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Total Paid	Brent C. Olson Registered Agent for BRENT OLSON	
Sent To	Meridian Commercial Construction, LLC	
Street, Apt. or PO Box	73 Broadway	
City, State	P. O. Box 932 Fargo, ND 58107-0932	

PS Form 3811, February 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
BRENT C. OLSON JUN 18 2009
 Registered Agent for
 Meridian Commercial Construction, LLC
 73 Broadway
 P. O. Box 932
 Fargo, ND 58107-0932

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
[Signature]
 B. Received by (Printed Name)
[Signature]
 C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
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 Registered Return Receipt for Merchandise
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Total Price		
Registered Agent for MICHAEL THOMAS		
Sent To	Old Orchard, LLC	
Street, A or PO Box	406 Main Ave, Suite 200	
City, State	P. O. Box 2686 Fargo, ND 58108-2686	
PS Form 3811, February 2004 See reverse for instructions		

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

MICHAEL THOMAS
 Registered Agent for
 Old Orchard, LLC
 406 Main Ave, Suite 200
 P. O. Box 2686
 Fargo, ND 58108-2686

Brent C. Olson

JUN 18 2009

B

2. Article Number

(Transfer from service label)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *J. Overlay*

Agent
 Addressee

B. (Received by (Printed Name))

J. Overlay

C. Date of Delivery

06/22/09

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below. No



3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes