



Gary Risley, Attorney at Law

March 14, 2012

Regional Filing Clerk (6RC-D)
US EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: ***U.S. Environmental Protection Agency v. Morningstar Minerals Corporation***
Docket No. CWA-06-2012-1722

Dear Clerk:

Please find enclosed the original and one copy of an Entry of Appearance and Answer to Administrative Complaint on behalf of Morningstar Minerals Corporation in the above-referenced matter. Please file the Entry of Appearance and Answer and return a file-stamped copy of each to our office in the stamped, return envelope enclosed herewith.

Thank you for your assistance. Should you have any questions or concerns regarding these filings, please contact our office.

Yours truly,

THE RISLEY LAW FIRM, P.C.

Marsha Camrud
Legal Assistant

/mc

Enclosures as stated


UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2012 MAR 19 AM 9:18
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of)	Docket No. CWA-06-2012-1722
)	
Morningstar Minerals Corporation,)	
A New Mexico Company,)	Proceeding to Assess a Civil Penalty
)	under Section 309(g) of the
)	Clear Water Act
Respondent.)	
)	ENTRY OF APPEARANCE
NPDES Facility No. NMU001745)	

COMES NOW Gary Risley of The Risley Law Firm, P.C., and hereby enters his appearance on behalf of the Respondent, Morningstar Minerals Corporation, in the above entitled and numbered cause of action.

THE RISLEY LAW FIRM, P.C.

By: 
 Gary Risley
 4991 N. Butler Avenue
 Farmington, NM 87401
 Telephone: 505/326-1776
 Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Entry of Appearance was mailed via U.S. Postal Service first class postage prepaid, to the below listed parties on this 14th day of March, 2012.

Regional Hearing Clerk (6RC-D), U.S. EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733 (Original mailed)

Ms. Christina Kracher (6RC-EW), Water Legal Branch, US EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733

Mr. James Bearzi, Bureau Chief, Surface Water Quality Bureau, New Mexico Environment
Department, PO Box 5469, Santa Fe, NM 87502-5469



Gary Risley

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
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REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of)	Docket No. CWA-06-2012-1722
)	
Morningstar Minerals Corporation, A New Mexico Company,)	Proceeding to Assess a Civil Penalty under Section 309(g) of the Clear Water Act
)	
Respondent.)	
)	ANSWER TO ADMINISTRATIVE COMPLAINT
NPDES Facility No. NMU001745)	

COMES NOW the Respondent, Morningstar Minerals Corporation (“Respondent”), by and through its attorney of record, Gary Risley of The Risley Law Firm, P.C., and for its Answer to Administrative Complaint in the above entitled states as follows:

1. A hearing is requested.
2. Respondent admits the allegations in Paragraphs 1 and 2 of the Administrative Complaint (“Complaint”).
3. Respondent denies the allegations in Paragraphs 3 and 4 of the Complaint.
4. Respondent can neither admit nor deny Paragraph 5 of the Complaint as the statement is a legal conclusion.
5. Respondent can neither admit nor deny Paragraph 6 of the Complaint as the statement is a legal conclusion.
6. Respondent can neither admit nor deny Paragraph 7 of the Complaint as the statement is a legal conclusion.
7. As to the allegations in Paragraph 8 of the Complaint, Respondent admits that the facility was inspected. Respondent denies the remaining allegations of Paragraph 8.

8. As to the allegations in Paragraph 9 of the Complaint, Respondent admits that it did not apply for a permit.

9. Respondent denies the allegations in Paragraph 10 of the Complaint.

10. As to the allegations in Paragraph 11 of the Complaint, Respondent denies that any unauthorized discharge events occurred.

11. Respondent denies the allegations in Paragraph 12 of the Complaint.

12. Respondent has no knowledge of the facts alleged in Paragraphs 13 and 14 of the Complaint; therefore Respondent cannot admit or deny the allegations contained therein.

13. Respondent denies that the penalty set forth in Paragraph 15 of the Complaint is appropriate.

14. As to Paragraph 16 of the Complaint, Respondent denies that any penalty is appropriate.

THE RISLEY LAW FIRM, P.C.

By: 

Gary Risley
4991 N. Butler Avenue
Farmington, NM 87401
Telephone: 505/326-1776
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Answer to Administrative Complaint was mailed via U.S. Postal Service first class postage prepaid, to the below listed parties on this 14th day of March, 2012.

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