



PARSONS KINGHORN HARRIS

A PROFESSIONAL CORPORATION

September 23, 2010

2010 SEP 24 PM 1:59

FILED
EPA REGION VIII
HEARING CLERK

Via Overnight Express Mail

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

**In the matter of: Pierce Oil Company, Inc., 332 West Railroad Ave.,
Price, UT 84501 / Proceeding to Assess Class I Civil Penalty
Under Clean Water Act Section 311 for SPCC Violations
/ Docket No.: CWA-08-2010-0020**

Dear Ms. Artemis:

Please find enclosed herein for filing in the above referenced matter *Respondent's Answer to Administrative Complaint*. Please also note that Mr. Kinghorn has respectfully requested a hearing on behalf of Respondent.

Thank you.

Respectfully,

PARSONS KINGHORN HARRIS
A Professional Corporation

Janelle L. Dannenmueller
Legal Assistant to Gerald H. Kinghorn

/jld

Enclosure

Cc: Amy Swanson, Enforcement Attorney (w/copy of encl.)
Ellis L. Pierce, President (w/copy of encl.)

ATTORNEYS AT LAW

John Parsons	John S. Bradley	Lisa R. Petersen	Michael D. Kendall
Gerald H. Kinghorn	Harold L. Reiser	George B. Hofmann	Kimberley L. Hansen
Paul T. Moxley	J. Scott Brown	Matthew M. Boley	
Langdon T. Owen, Jr.	Steven C. Strong	Melyssa D. Davidson	
John N. Brems	Catherine L. Brabson	Jeremy R. Cook	

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2010 SEP 24 PM 2:00

REGION VIII
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	RESPONDENT'S ANSWER TO
)	ADMINISTRATIVE COMPLAINT
Pierce Oil Company, Inc.)	
332 West Railroad Avenue)	Proceeding to Assess Class I Civil Penalty
Price, UT 84501,)	Under Clean Water Act Section 311 for
)	SPCC Violations
)	
Respondent.)	Docket No.: CWA-08-2010-0020

Respondent, PIERCE OIL COMPANY, answers the Administrative Complaint herein as follows:

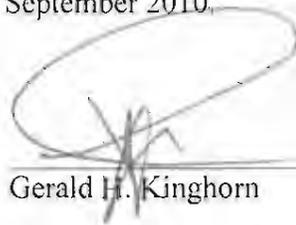
1. The Respondent admits the allegations of paragraphs 1, 2, 3, 4, 5, 6, and 7.
2. Respondent admits that it is the owner and operator of a bulk distributor facility as claimed in the first sentence of paragraph 8 of the Administrative Complaint.
3. Respondent denies that drainage from the facility flows to a storm drain that discharges to the Price River.
4. Respondent admits the allegations of paragraph 10, 11, 13, 14, 15, 16, 17, and 18.
5. Respondent incorporates by reference, in response to paragraph 19, each and every response as fully set forth herein to the paragraphs incorporated in paragraph 19.
6. Respondent admits the allegations of paragraph 20 and 21.

7. Respondent hereby denies each and every other allegation of the Administrative Complaint not expressly admitted herein.
8. Respondent alleges that the proposed administrative penalty in the amount of \$37,500.00 is excessive and is unsupported by factual basis.

REQUEST FOR HEARING

Respondent hereby requests a hearing on the claims of the Administrative Complaint.

DATED this 23 day of September 2010,



Gerald H. Kinghorn

MAILING CERTIFICATE

The undersigned hereby certifies that an original and one copy of
RESPONDENT'S ANSWER TO ADMINISTRATIVE COMPLAINT was mailed via

Express Mail overnight to:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

With a copy to:

Amy Swanson, Enforcement Attorney (8ENF-L)
U.S. EPA Region 8, Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202-1129

Date

9.23.2010


Gerald N. Kinghorn