

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

2010 JAN 15 AM 8:15

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EPA REGION VIII  
HEARING CLERK

From: Charles J. Murray  
Winston Bar  
Winston, Mt. 59647

I am requesting a formal trial to contest the allegations in the complaint I have received from the EPA Docket No. SDWA-08-2010-0008.

In my response to Count 1, I was monitoring monthly for a few months and I have always used the U.S. mail to send in my samples. I never had a problem with the samples arriving in time, and apparently my March 2008 sample did not arrive in time and was refused. By the time DEQ informed me of my sample being refused, I had already sent in my next sample. In order to make sure that did not happen again I dope my samples off in person. As far as May 2008 sample, I have no knowledge of being non-compliant. I have dropped of a sample every month since then until April of 2009. I had requested a form to get me of monthly samples from DEQ and had it ready to send in when they sent me a violation letter for not being current with my payments for my samples. I had sent them a payment for \$100 at the end of March 2009, but in April 2009 they refused my sample because of my outstanding debt. I was unable to pay off my balance due to the economy being so bad, and I was behind with all of my bills. I have struggled to keep my business going all year. I missed April 2009 thru July 2009 because of this, until someone told me I could go get my samples done at another location. I have not missed a sample since then and would not have missed the other months if I had not been cut off by the State. As I explained to the DEQ in July 2009 I will never miss a water sample again as long as I own The Winston Bar. They decided to still harass me and now I am being fined for it.

In response to Count 2, I did not as far as I know receive anything to post for my violation in March 2008, and I said in my response to Count 1, I do not believe I was in violation in May 2008. If this is such an important document I would think the State of Montana should come down and post it themselves, or else it leads me to believe it is not very important to them and I should not be fined for it.

In response to Count 3, I have no knowledge of this requirement and had spoken to Kimberly Welch about my March 2008 violation on the phone, and had explained it to her, but I do not remember her telling me I had to notify her if I missed a sample. I had sent her all of my sample results for a year and never heard from the EPA again until they called me to tell me I was being fined. If this was my responsibility, I apologize, but yet again if this is so important why was I not told or contacted until December 2009.

Now in my defense this whole thing started back in 2007 when a DEQ employee called me and informed me that I had missed a sample. I told her I had already mailed it and that I was sorry it was late. She then started to lecture me and I apologized again by saying I was sorry, this went for awhile, but she kept going on and on. I told her I was in the middle of a lunch rush and had to go, I said I was sorry one more time and hung up. Apparently she was offended and reported me to the EPA, even though she received my sample the next day. I have sent in five times the amount of samples required by the DEQ in the past two years and not one of them has ever been bad. There is nothing wrong with my water nor has there ever been anything wrong with my water. My only crime is that I work seven days a week 12 to 16 hours a day trying to make my business be successful and I forgot to send in a couple of water samples. The public has never been in danger nor will they ever be in danger because of my forgetfulness. I served my country in the U.S. Marine Corp and I am disgusted when I think that I served my country, and that same country to come back and fine me over a missed water sample. I am compliant with DEQ thru Jan 2010 and I will always be compliant as long as I own The Winston Bar.

Charles J. Murray