

UNITED STATES ENVIRONMENTAL PROTECTION
REGION 8

2009 MAY 27 AM 8:39

IN THE MATTER OF)
)
Bank of the Rockies N.A.,)
China Wok, Inc., and)
Herman Chan)
(China Wok Restaurant))
)
Respondents.)
)
Proceeding under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. §300g-3(g))
_____)

EPA REGIONAL VII
HEARING CLERK

Docket No. SDWA-08-2009-0029

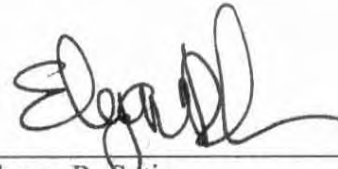
**ORDER ON MOTION TO DISMISS
TWO RESPONDENTS
WITHOUT PREJUDICE**

On April 29, 2009, Complainant, United States Environmental Protection Agency (“EPA”), filed a Motion to Dismiss Two Respondents without Prejudice. The basis for the motion is that Respondent, Bank of the Rockies N.A. (“Bank of the Rockies”), has reached a settlement in principle with EPA and wishes to enter into a Consent Agreement. Furthermore, Bank of the Rockies has agreed to pay the full penalty amount alleged in the Complaint.

The other Respondents, China Wok, Inc. and Herman Chan, have not responded to the Complaint nor have they responded to the Motion to Dismiss Two Respondents without Prejudice. Respondents had 15 days or until May 15, 2009, pursuant to 40 C.F.R. § 22, to respond to the motion. This office did not receive any response. In light of Bank of the Rockies willingness to pay the full penalty for the allegations set forth in the Complaint, and with no objection from the other Respondents, this court agrees to the Motion to Dismiss China Wok, Inc. and Herman Chan from this action without prejudice.

Therefore, pursuant to 40 C.F.R. § 22, Complainant’s Motion to Dismiss Two Respondent’s without Prejudice is **GRANTED**.

It is so Ordered this 27th day of May, 2009.



Elyana R. Sutin
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER ON MOTION TO DISMISS TWO RESPONDENTS WITHOUT PREJUDICE** in the matter of **BANK OF THE ROCKIES, N.A., CHINA WOK, INC., and HERMAN CHAN (CHINA WOK RESTAURANT); DOCKET NO.: SDWA-08-2009-0029** was filed with the Regional Hearing Clerk on May 27, 2009

Further, the undersigned certifies that a true and correct copy of the document was delivered to Peggy Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on May 27, 2009, to:

Mike Grove, President
Bank of the Rockies
205 West Main
White Sulfur Springs, MT 59545

Hoa Vien, Registered Agent
China Wok, Inc.
188 Hwy. 12 E.
Townsend, MT 59644

Herman Chan
China Wok Restaurant
4309 Morning Sun Drive
Bozeman, MT 59715

May 27, 2009



Tina Artemis
Paralegal/Regional Hearing Clerk