

CONMY ♦ FESTE
Attorneys

July 16, 2009

CONMY FESTE LTD.

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

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

Enclosed for filing are the following documents:

1. Old Orchard, LLC Answer and Request for Hearing; and
2. Affidavit of Service by Mail.

Regards,



Kim E. Brust
KEB/str
Encls.

cc: James R. Bullis
Peggy Livingston

Paul M. Hubbard
Kim E. Brust†
Michael M. Thomas
Robert J. Schultz
Jeremy D. Holmes
Stephannie N. Stiel
Douglas W. Murch
Charles A. Feste, Retired
E.T. Conmy, Jr. (1912 - 2006)

Also Licensed in Minnesota
† Certified Civil Trial Specialist -
National Board of Trial Advocacy

2009 JUL 20 PM 4:43

In the Matter of:)
)
Old Orchard, LLC)
and)
Meridian Commercial Construction, LLC,)
)
Respondents.)

**OLD ORCHARD, LLC ANSWER
AND REQUEST FOR HEARING**

Docket No.: CWA 08-2009-0015

Old Orchard, LLC, for its Answer to the Complaint alleges:

1. All allegations contained in the Complaint are denied, except as admitted, qualified or explained in this Answer.

2. Admits the allegations contained in paragraphs 1 through 23 and 25 through 32.

3. Denies the allegations of paragraph 24 as it relates to Old Orchard, LLC.

4. With regard to the allegations contained in paragraph 33, admits that Old Orchard, LLC, did not obtain or apply for permanent authorization for discharge as alleged, but states that Meridian Commercial Construction, LLC was responsible for obtaining or applying for permanent authorization.

5. With respect to the allegations contained in paragraph 34, denies that the actions on the part of Old Orchard, LLC constitute a violation of 40C.F.R. § §122.21(c) and 122.26(c) and sections 308 and 402(p) of the Act, 33 U.S.C. § §1318 and 1342(p).

6. Denies the allegations contained in paragraphs 35 through 38 as they relate to Old Orchard, LLC.

the Complaint and the appropriateness of the proposed penalty.

Dated this 16th day of July, 2009.



Kim E. Brust
For CONMY FESTE LTD.
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North Dakota ID No.: 03556

ATTORNEYS FOR RESPONDENTS

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Saree T. Reveling, being first duly sworn, deposes and says that on July 16th, 2009, she served the attached:

OLD ORCHARD, LLC ANSWER AND REQUEST FOR HEARING

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

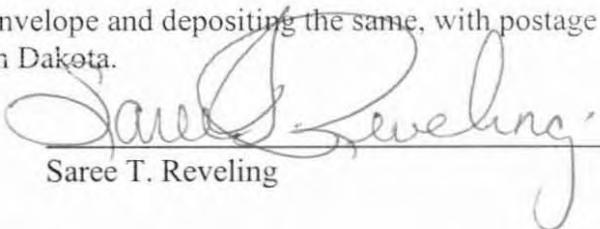
Our file no. K102-013

upon the following:

James R. Bullis
Montgomery, Goff & Bullis
4650 38th Avenue South, Ste. 110
PO Box 9199
Fargo, ND 58106-9199
Norman Mark Court Reporter
via fax: 293-3487

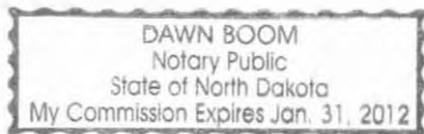
Peggy Livingston
Senior Enforcement Attorney
1595 Wynkoop Street
Denver, CO 80202-1129

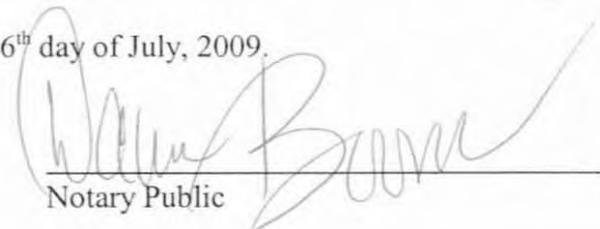
by placing a true and correct copy thereof in an envelope and depositing the same, with postage prepaid, in the United States Mail at Fargo, North Dakota.


Saree T. Reveling

Subscribed and sworn to before me this 16th day of July, 2009.

(S E A L)




Notary Public