

montgomery goff & bullis



2010 JUN -3 PM 1:36

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PO Box 9199 • 58106-9199
Phone (701) 281-8001
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Licensed in
North Dakota
and Minnesota

FAX TRANSMITTAL FORM

Date: 5/7/10
To: Honorable Elyana Sutin 303-312-6859
From: Lauren Schwarz
RE: Docket No. CWA-08-2009-0021

MESSAGE: Please see the attached following documents:

1. Respondents' Motion to Re-Open the Hearing,
2. Respondents' Memorandum in Support of Motion to Re-Open the Hearing,
3. Respondent Master Construction Co., Inc.'s Answer to Penalty Complaint and Request for Hearing, and
4. Certificate of Service.

Originals sent by: US Mail Overnight Not Sent

CONFIDENTIALITY NOTICE

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE. THANK YOU.

Page 1 of 42

If you do not receive all of the pages in this transmission, please call (701) 281-8001 immediately. Thank you.

montgomery goff & bullis



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Licensed in
North Dakota
and Minnesota

June 2, 2010

Honorable Elyana R. Sutin ✓
Regional Judicial Officer
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

Ms. Peggy Livingston
Enforcement Attorney
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

Tina Artemis
Regional Hearing Clerk
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

RE: In the Matter of 47th Street Townhomes, LLC, Jordahl Custom Homes, Inc., and Master Construction Co., Inc.
Docket No. CWA-08-2009-0021
Our File No.: JRB-1515-3

Dear Honorable Elyana Sutin and Mses Livingston and Artemis:

Enclosed for filing, in the above-referenced matter, please find the following documents:

1. Respondents' Motion to Re-Open the Hearing,
2. Respondents' Memorandum in Support of Motion to Re-Open the Hearing,
3. Respondent Master Construction Co., Inc.'s Answer to Penalty Complaint and Request for Hearing, and
4. Certificate of Service.

If you have any questions please do not hesitate to contact Kyle G. Pender at 701-281-8001, or, if I may be of any assistance please let me know. Thank you.

Sincerely,

Lauren Schwarz
Secretary

Enclosures

pc: Rob Jordahl (w/ encl)
Raymond Reading (w/ encl)
Master Construction (w/ encl)

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COPY

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below, the documents listed below were sent in the following manner to the addressees listed below:

1. Respondents' Motion to Re-Open the Hearing
2. Respondents' Memorandum in Support of Motion to Re-Open the Hearing;
3. Respondent Master Construction Co., Inc. Answer to Penalty Complaint and Request for Hearing;

One copy by regular mail and facsimile to:

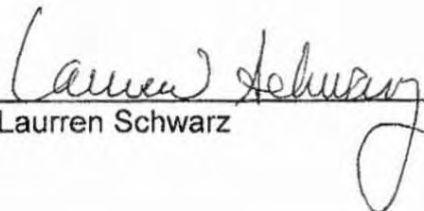
Ms. Peggy Livingston
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
US EPA Region 8
1595 Wynkoop Street
Denver CO 80202
Fax: 303-312-7202

Honorable Elyana R. Sutin
Regional Judicial Officer
US EPA Region 8
1595 Wynkoop Street
Denver CO 80202
Fax: 303-312-6859

Original and one copy by regular mail and one copy by facsimile to:

Tina Artemis
Regional Hearing Clerk
US EPA Region 8
1595 Wynkoop Street
Denver CO 80202
Fax: 303-312-6859

Dated: June 2, 2010.



Lauren Schwarz

COPY

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JUN -3 PM 1:37

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EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
47th Street Townhomes, LLC,)
Jordahl Custom Homes, Inc.,)
and)
Master Construction Co., Inc.)
)
Respondents.)
_____)


Docket No. CWA-08-2009-0021

RESPONDENT MASTER CONSTRUCTION CO., INC.'S
MOTION TO RE-OPEN THE HEARING

Pursuant to 40 CFR §22.28, Respondent Master Construction Co., Inc., requests that this Court grant its Motion to Re-Open the Hearing. This Motion is based upon Respondent's Memorandum in Support of Motion to Re-Open Hearing, and the Affidavit of Fred Schlanser.

Dated: June 2, 2010.

Respectfully submitted,

By 

Kyle G. Pender ND ID #06300
James R. Bullis ND ID #04980
Montgomery Goff & Bullis PC
PO Box 9199
Fargo ND 58106-9199
Telephone: (701) 281-8001
Attorneys for Respondents

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JUN -3 PM 1:37

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
47th Street Townhomes, LLC,)
Jordahl Custom Homes, Inc.,)
and)
Master Construction Co., Inc.)
)
Respondents.)
_____)

Docket No. CWA-08-2009-0021

**MEMORANDUM IN SUPPORT OF RESPONDENT MASTER CONSTRUCTION CO.,
INC.'S MOTION TO RE-OPEN THE HEARING**

I. INTRODUCTION

This Memorandum is in support of a Motion to Re-Open the Hearing filed by Master Construction Co., Inc. (hereinafter "Master"), Respondent.

On or about July 9, 2009, the United States Environmental Protection Agency filed a Penalty Complaint and Notice of Opportunity for Hearing (the "Complaint") against 47th Street Townhomes, LLC, Jordahl Custom Homes, Inc., and Master. On or about May 13, 2010, a default initial decision and order was issued by the Court against Master for its failure to file an Answer pursuant to 40 C.F.R. §22.17. For the reasons set forth below, Respondent Master requests a ruling that the default initial decision and order for violation of §§ 301(a) and 402(p) of the Act, 33 USC §§ 1311(a) and 1342(p), for the period of April 28, 2008 to May 30, 2008 be vacated.

II. DEFAULT JUDGMENT STANDARD

A default judgment under 40 C.F.R. §22.17 is similar to default judgment under Rule 55 of the Federal Rules of Civil Procedure, and therefore case law thereunder is appropriate guidance as to default judgment. There is a strong judicial policy against

default judgments and preference for adjudication on the merits, which goes to the fundamental fairness of the adjudicatory process. See Oberstar v. F.D.I.C., F987 F.2d 494, 504 (8th Cir. 1993). The granting of a default judgment should be a rare judicial act. See Comiskey v. JFTJ Corp., 989 F.2d 1007, 1009 (8th Cir. 1993). Default judgment is only appropriate when there has been a clear record of delay or contumacious conduct. See Taylor v. City of Ballwin, Missouri, 859 F.2d 1330, 1332 (8th Cir. 1988)

III. ARGUMENT

In the EPA's Memorandum in Support of Complainant's Motion for Partial Accelerated Decision on Liability, the EPA made a motion to this Court to render a default order pursuant to 40 C.F.R. §22.17 on Master for its failure to file an Answer to its Complaint in which the Court ultimately issued. Although Master did not submit an answer to the EPA's Complaint, on or about January 28, 2009, Master submitted a response to the EPA's request for information, in which Master effectively made an appearance in this matter. In Master's response to the EPA's request for information, Master denied nearly every allegation set forth in the EPA's Complaint. A copy of Master Construction's Answer is attached hereto as Exhibit "A" and incorporated herein by reference. A copy of the United States Postal Service receipts evidencing that Master's response was in fact sent to the EPA is attached hereto as Exhibit "B" and incorporated herein by reference.

Although Master now acknowledges it did not file an answer within thirty (30) days as prescribed in 40 CFR §22.15, Master believed it had fully complied with the EPA's requests by submitting its January 28, 2009 response, and until May 27, 2010,

Master was unrepresented by counsel and therefore was unaware of the various requirements of Part 22 – Consolidated Rules of Practice, of which, very few licensed attorneys outside of the EPA have knowledge of.

The EPA filed its Complaint on July 9, 2009, however the EPA waited until April 8, 2010 to make its motion for default judgment, approximately 8 months later. The EPA clearly did not have any sense of urgency in filing its motion for default judgment, nor has the EPA indicated in any fashion that Master's failure to file an answer has prejudiced them in any way. The facts and circumstances relating to the allegations set forth by the EPA in its Complaint have not and will not change. The evidence will either prove or disprove Master's liability for the allegations set forth in the EPA's Complaint. Whatever the result may be, it should be determined based upon the evidence, not a set of procedural rules that only the EPA's legal counsel have a thorough knowledge of.

Default judgment under 40 C.F.R. § 22.17 is not an absolute right of the EPA's, rather it is granted at the discretion of the court, however, Master has a statutory right to demand a hearing. By upholding the default judgment against Master because of an immaterial deviation from the EPA's procedural rules, with no showing of prejudice to the EPA, the court would be unfairly depriving Master of its right to a statutorily mandated hearing.

IV. CONCLUSION

Because Respondent Master has made an appearance in the above-entitled matter, the EPA has not been prejudiced and Master is statutorily entitled to a hearing, default judgment pursuant to 40 CFR §22.17 is inappropriate and Respondent's Motion to Re-Open the Hearing pursuant to 40 CFR §22.28 should be granted.

Dated: June 2, 2010.

Respectfully submitted,

By 

Kyle G. Pender ND ID #06300

James R. Bullis ND ID #04980

Montgomery Goff & Bullis PC

PO Box 9199

Fargo ND 58106-9199

Telephone: (701) 281-8001

Attorneys for Respondents

COPY


MASTER CONSTRUCTION
BOX 788 • FARGO, ND 58107 • (701) 237-4950 • FAX (701) 237-5027

TRENCHING

HORIZONTAL BORING

DIRECTIONAL BORING

CRANE SERVICE

CURB GUTTER

CONCRETE WORK

UNDERGROUND WORK

EQUIPMENT RENTAL

DEMOLITION

ASPHALT WORK

EXCAVATION

ERECTION WORK

STREETS

SIDEWALKS

United States Environmental Protection Agency
 Region 8
 1595 Wynkoop Street
 Denver, CO 80202-1129

RE: 8ENF-W-NP

Dear Ms. Clark,

Regarding the packet sent to Master Construction in late December requesting information pursuant to Section 308 of the Clean Water Act, 33 U.S.C. §1318, and Compliance Inspection Report, we feel it vitally important to clarify a gross misrepresentation as listed in the letter. Master Construction is not the owner of the construction site in question. We were hired as a subcontractor in April 2008 by Jordahl Custom Homes, the general contractor to install the site utilities for the 47th Street Townhomes. As a highway/heavy contractor we usually act as a prime contractor on many projects with the local-cities of Fargo, ND, West Fargo, ND and Moorhead, MN. In each and every one of these contracts the owner pulls the stormwater permit and writes the SWPPP. Master Construction's responsibility as operator is to maintain the stormwater devices as required and indicated in the SWPPP only for the duration of the work we are performing. We are not privy to a large portion of the pertinent information that would be noted in the SWPPP and corresponding permit such as the legal description, description of existing soils, fill material and erodibility of such soils, the name of the receiving waters or Municipal Separate Storm Sewer System etc.

Master Construction completed the site utilities in late May/early June of 2008. First, our excavation operators came in and stripped the lot on the week of 4-28-08. Following that the underground crew came in on 5-5-08 and completed the installation of the water main, sanitary sewer and storm sewer by the end of May. We did not purchase any BMP's (Best Management Practices) specifically for this project. Master Construction always has a stock of the necessary items on hand. They are used and recycled on subsequent projects. Before placement on a new site they are all taken to our shop in north Fargo, cleaned and inspected, if they pass the inspection they are reused if not they are destroyed and new items are added. At the time that the crews entered the project site we set 4 bags in the inlets that were on 47th Street S between 47th and 48th Ave. Anytime there had been measurable

EXHIBIT A

precipitation; namely 5-24-08 with .31" and 5-29-08 with .53" the bags were looked at by me, no problems or issues were reported at those times (exhibit #6). There was an existing silt fence on the north side of the project by the retention pond. We tied into existing utilities approximately 30' from the curb line as indicated on the attached drawing. The site itself was approximately 2 feet lower than the curb. The storm water manholes were sitting about 3 ½ feet above ground and we had plastic covering the manhole casting grates (see site map exhibit #7). There would have been a very negligible if any chance of erosion or drainage from the storm drains along 47th Street South into the City of Fargo MS4. All storm water management was monitored by me as well as on site by the utilities foreman, James Schlanser this was done on an as needed basis and no records were maintained. The construction of the townhomes and other work on the site by Jordahl Custom Homes continued throughout 2008 and will continue throughout 2009. From May 29 through July 7, 2008 we were again hired by Jordahl Custom Homes to import clay fill and place. This work was not part of the original proposal, but a service provided on a per hour basis as per the direction of Jordahl Custom Homes (see exhibit # 4). Payroll records for all work as described are enclosed (exhibit #5). As you can clearly see, when your inspectors were on site in October 2008 Master Construction had already completed the underground work and been off site for several months. From the moment we left the site all future erosion control measures would have been the responsibility of the next contractor, in this case Jordahl Custom Homes. Your inspectors report indicates that work began on approximately June 15, 2008. It was at that time that Jordahl Custom Homes' crews were on site for the actual construction of the townhomes. Master Construction was finished with their work as per the proposal, I have enclosed a copy of that proposal, our invoice for services to Jordahl and a copy of their check for payment in full (exhibit #1,2,3).

We do acknowledge that we should have been more persistent in getting a storm water permit from the owner prior to entering the site in April 2008, ensuring full compliance with the ND Dept of Health. However, even without it we were conducting all necessary storm water management as per our proposal with Jordahl Custom Homes. From early June forward the responsibility for the all storm water management would have fallen to the general contractor. At no time did we receive any calls from the Jordahl people looking for a storm water permit in order to transfer it to themselves, as they have indicated in the inspection report from October 2008.

We are not sure where you got the information that Master Construction was the owner of this site, but once again to reiterate, we are not. Jordahl Custom Homes the general contractor hired us as a subcontractor for the site utilities. We cannot answer the bulk of your questionnaire as we do not possess the pertinent information that would be needed to do so, other than the summation that I have provided here.

Requests:

1. Person answering the requests:
Duane Baumgart
General Superintendent
Master Construction Co., Inc
1572 45th Street NW
Fargo, ND 58102
2. Person to receive future EPA Information related to issues at the site in question: Same as in #1
3. a. None
b. Fred J. Schlanser Jr.-President, Master Construction Co., Inc.
4. Master Construction Co., Inc.
5. Subcontractor to Jordahl Custom Homes
6. Master Construction does not possess any of this information.
7.
 - a. Ground disturbing activity began 4-28-08 site utilities only
 - b. # of acres disturbed unknown
 - c. Unknown
 - d. No logs or work orders
 - e. Site Utilities completed May 30, 2008
 - f. Completion of townhomes not known by Master Construction continued throughout 2008 and into 2009 by Jordahl Custom Homes.
8. NA
9. NA
10. Jordahl Custom Homes, 4315 Riverwood Drive, Fargo, ND 58102 began townhome construction from the point where our proposed work ended in late May. Their work continues to this date at the site.
11. Duane Baumgart, General Superintendent of Master Construction was responsible for the management of the storm water devices during the site utilities installation of this project. James Schlanser, foreman, Master Construction oversaw site utilities installation from April 28 through May 31, 2008
12. Master Construction did not conduct any direct construction activity.
13. NA
14. No NPDES permit was applied for and no SWPPP filled out by Master Construction for the site utilities. Chronology of BMP's contained within

the body of this letter (e) as well as dates of self inspections (n) and precipitation data (p)

15. Not Known by Master Construction
16. No photographs taken by Master Construction
17. No correspondence has been done between Master Construction and the NDDH
18. NA

We hope that upon review of the information contained within, you will clearly see that Master Construction was not responsible for the storm water management issues as noted in the October 2008 inspection conducted by the EPA. Our work had been completed many months prior. If I can be of any further assistance or if you should need any further explanation, please contact me at 701-866-8507.

Sincerely,

Duane Baumgart
General Superintendent
Master Construction



MASTER CONSTRUCTION

Exhibit #1

BOX 788 • FARGO, ND 58107 • (701) 237-4950 • FAX (701) 237-5027

TRENCHING

HORIZONTAL BORING

April 14, 2008

DIRECTIONAL BORING

CRANE SERVICE

Jordahl Custom Homes

CURB GUTTER

Location: Osgood

CONCRETE WORK

UNDERGROUND WORK

EQUIPMENT RENTAL

DEMOLITION

ASPHALT WORK

EXCAVATION

ERECTION WORK

STREETS

SIDEWALKS

<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total</u>
1. Construction Entrance	1	\$1,200.00	\$ 1,200.00
2. Storm Water Management	1	\$ 600.00	\$ 600.00
3. Remove & Replace Inlet	2	\$1,000.00	\$ 2,000.00
4. Adjust Inlets	2	\$ 100.00	\$ 200.00
5. Inlet Protection	15	\$ 160.00	\$ 2,400.00
6. Sanitary MH	7	\$2,050.00	\$ 14,350.00
7. Storm MH	7	\$1,400.00	\$ 9,800.00
8. Inlets	8	\$ 600.00	\$ 4,800.00
9. 8" Water Main	1120'	\$ 24.25	\$ 27,160.00
10. 8" Gate Valves	4	\$1,050.00	\$ 4,200.00
11. 6" Gate Valves	2	\$ 750.00	\$ 1,500.00
12. Hydrants	2	\$2,800.00	\$ 5,600.00
13. Water Services	300'	\$ 37.00	\$ 11,100.00
14. 8" Sanitary Sewer	924'	\$ 21.00	\$ 19,404.00
15. MH Frames Sanitary Sewer	7	\$ 750.00	\$ 5,250.00
16. Sanitary Sewer Services	300'	\$ 25.50	\$ 7,650.00
17. 24" Storm Sewer	252'	\$ 39.50	\$ 9,954.00
18. 21" Storm Sewer	112'	\$ 32.25	\$ 3,612.00
19. 18" Storm Sewer	182'	\$ 27.00	\$ 4,914.00
20. 15" Storm Sewer	126'	\$ 24.00	\$ 3,024.00
21. 12" Storm Sewer	532'	\$ 22.00	\$ 11,704.00
22. MH Frames	7	\$ 310.00	\$ 2,170.00
23. Inlet Frames	6	\$ 375.00	\$ 2,250.00
24. 4" Drain Tile	240'	\$ 6.00	\$ 1,440.00
Staking	LS	\$5,500.00	\$ 5,500.00
Strip Black Dirt	LS	\$8,000.00	\$ 8,000.00
Remove Approach (2) & Replace Curb & Gutter	2	\$1,800.00	\$ 3,600.00
New Concrete Approach (3)	3	\$1,800.00	\$ 5,400.00

\$178,782.00



Exhibit #2

INVOICE
NO. 21930

PAGE 1

B
I JORDAHL CUSTOM HOMES
L 4315 RIVERWOOD DR.
L FARGO ND 58102

T
O

J 08 06
O OSGOOD - JORDAHL CUSTOM HOMES
B SITE UTILITIES, CURB & GUTTER,
CONCRETE APPROACH

N
O

INVOICE DATE	INVOICE NO.	CUSTOMER NO.	PAYMENT TERMS	CONTRACT NO.
07/07/08	21930	JORDAHL	NET 30 DAYS	

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
	SITE UTILITIES & PAVING @ OSGOOD AS PER PROPOSAL		176,782.00
	** CREDIT **		2,000.00
	(2) 8" H2O VALVES		
* REPLACES INVOICE NO. 21889 *			
RECEIVED			
JUL 10 2008			
✓ # 3053			
	GROSS	RETAINAGE	TAX
	176,782.00	.00	.00
			NET AMOUNT
			176,782.00

Exhibit #3

8053

JORDAHL CUSTOM HOMES, INC.

4315 RIVERWOOD DR.
FARGO, ND 58102
(701) 234-0404



756 13th Ave. East - West Fargo, ND 58076

77-714-913

7/9/2008

PAY
TO THE
ORDER OF

Master Construcion

\$ **176,782.00

One Hundred Seventy-Six Thousand Seven Hundred Eighty-Two and 00/100***** DOLLARS

Master Construcion
Box 788
Fargo, ND 58107

MEMO

AUTHORIZED SIGNATURE

⑈008053⑈ ⑆0913071491⑆ 0402⑈858⑈9⑈

JORDAHL CUSTOM HOMES, INC.

8053

Master Construcion

7/9/2008

Date Type Reference
7/7/2008 Bill 21930

Original Amt.
176,782.00

Balance Due Discount
176,782.00

Payment
176,782.00

Check Amount 176,782.00

#4028589 - Western

176,782.00

Security features. Details on back.



INVOICE

NO. 21952

PAGE 1

Exhibit #4

B
I JORDAHL CUSTOM HOMES
L 4315 RIVERWOOD DR.
L FARGO ND 58102

J 08 06
O OSGOOD - JORDAHL CUSTOM HOMES
B SITE UTILITIES, CURB & GUTTER,
CONCRETE APPROACH

T
O

N
O

INVOICE DATE	INVOICE NO.	CUSTOMER NO.	PAYMENT TERMS	CONTRACT NO.
--------------	-------------	--------------	---------------	--------------

07/18/08 21952 JORDAHL NET 30 DAYS

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
----------	-------------	------------	----------------

5/29/08 - 7/07/08 - IMPORT CLAY FILL & PLACE:

984.00	HR TANDEM DUMP TRUCK	70.0000	68,880.00
173.00	HR 650 DOZER	90.0000	15,570.00
160.00	HR 240 BACKHOE	125.0000	20,000.00
32.00	HR LABOR PUMPS	50.0000	1,600.00

** ESTIMATE QUANTITY CLAY IMPORTED - 19,680 CY **

GROSS	RETAINAGE	TAX	NET AMOUNT
106,050.00	.00	.00	106,050.00

As Of:01/27/09 On:01/27/09 (JC.8)

Time: 14:51 Page: 1

MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Exhibit #5

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
01- 100									
	04/08	LAB	PR DJ-798-042508	BJETI TIMOTHY E BJERKE	04/25/08	PAYROLL	9.00	135.00	
	04/08	LAB	PR DJ-798-042508	HEDVA VAUGHN S HEDSTROM	04/25/08	PAYROLL	3.50	57.75	
	04/08	LAB	GL JE-027-080608	14000 GENERAL JOURNAL	08/06/08	JRNL ENTRY	12.50	192.75	AEN#30-APR
	04/08	LAB	GL JE-027-080608	14000 GENERAL JOURNAL	08/06/08	JRNL ENTRY	12.50	192.75	AEN#30-APR
				Labor			12.50	192.75	
				Period 04/08 Total			12.50	192.75	
	05/08	LAB	PR DJ-799-050108	CARLA LANDON V CARLBLOM	05/01/08	PAYROLL	6.00	108.00	
	05/08	LAB	PR DJ-799-050108	CARLA LANDON V CARLBLOM	05/01/08	PAYROLL	13.00	234.00	
	05/08	LAB	PR DJ-799-050108	CARLA LANDON V CARLBLOM	05/01/08	PAYROLL	14.50	261.00	
	05/08	LAB	PR DJ-799-050108	CARLA LANDON V CARLBLOM	05/01/08	PAYROLL	3.00	54.00	
	05/08	LAB	PR DJ-799-050108	KOLKE KELLY D KOLNES	05/01/08	PAYROLL	6.00	118.50	
	05/08	LAB	PR DJ-799-050108	KOLKE KELLY D KOLNES	05/01/08	PAYROLL	13.50	266.63	
	05/08	LAB	PR DJ-799-050108	KOLKE KELLY D KOLNES	05/01/08	PAYROLL	14.00	276.50	
	05/08	LAB	PR DJ-799-050108	KOLKE KELLY D KOLNES	05/01/08	PAYROLL	6.50	128.38	
	05/08	LAB	PR DJ-799-050108	KOLKE KELLY D KOLNES	05/01/08	PAYROLL	.50	14.81	<i>Excavation</i>
	05/08	LAB	PR DJ-803-050908	BALRO ROBERTO C BALBOA	05/09/08	PAYROLL	1.50	25.50	
	05/08	LAB	PR DJ-805-051608	BILER ERIK A BILSTAD	05/16/08	PAYROLL	12.00	150.00	
	05/08	LAB	PR DJ-805-051608	BILER ERIK A BILSTAD	05/16/08	PAYROLL	10.50	131.25	
	05/08	LAB	PR DJ-805-051608	DAWCH CHRISTOPHER V DAWSON	05/16/08	PAYROLL	5.50	68.75	
	05/08	LAB	PR DJ-805-051608	ERIDO DORAN A ERICKSON	05/16/08	PAYROLL	7.00	112.00	
	05/08	LAB	PR DJ-805-051608	SCHMA MARK Y SCHNEIDER	05/16/08	PAYROLL	4.50	69.75	
	05/08	LAB	PR DJ-805-051608	DAWCH CHRISTOPHER V DAWSON	05/16/08	PAYROLL	6.00	112.50	
	05/08	LAB	PR DJ-805-051608	DAWCH CHRISTOPHER V DAWSON	05/16/08	PAYROLL	10.50	196.88	
	05/08	LAB	PR DJ-805-051608	ERIDO DORAN A ERICKSON	05/16/08	PAYROLL	4.50	108.00	
	05/08	LAB	PR DJ-805-051608	ERIDO DORAN A ERICKSON	05/16/08	PAYROLL	10.50	252.00	
	05/08	LAB	PR DJ-806-052308	BILER ERIK A BILSTAD	05/23/08	PAYROLL	12.00	150.00	
	05/08	LAB	PR DJ-806-052308	BILER ERIK A BILSTAD	05/23/08	PAYROLL	12.00	150.00	
	05/08	LAB	PR DJ-806-052308	BILER ERIK A BILSTAD	05/23/08	PAYROLL	11.50	143.75	<i>Site</i>
	05/08	LAB	PR DJ-806-052308	BILER ERIK A BILSTAD	05/23/08	PAYROLL	4.50	56.25	<i>Utilities</i>
	05/08	LAB	PR DJ-806-052308	DAWCH CHRISTOPHER V DAWSON	05/23/08	PAYROLL	12.00	150.00	
	05/08	LAB	PR DJ-806-052308	DAWCH CHRISTOPHER V DAWSON	05/23/08	PAYROLL	12.00	150.00	
	05/08	LAB	PR DJ-806-052308	DAWCH CHRISTOPHER V DAWSON	05/23/08	PAYROLL	11.50	143.75	
	05/08	LAB	PR DJ-806-052308	DAWCH CHRISTOPHER V DAWSON	05/23/08	PAYROLL	4.50	56.25	
	05/08	LAB	PR DJ-806-052308	ERIDO DORAN A ERICKSON	05/23/08	PAYROLL	12.00	192.00	
	05/08	LAB	PR DJ-806-052308	ERIDO DORAN A ERICKSON	05/23/08	PAYROLL	12.00	192.00	
	05/08	LAB	PR DJ-806-052308	ERIDO DORAN A ERICKSON	05/23/08	PAYROLL	11.50	184.00	
	05/08	LAB	PR DJ-806-052308	ERIDO DORAN A ERICKSON	05/23/08	PAYROLL	4.50	72.00	
	05/08	LAB	PR DJ-806-052308	HUSOS OSCAR T HUST	05/23/08	PAYROLL	12.00	234.00	

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MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
05/08	LAB	PR DJ-806-052308	HUSOS	OSCAR T HUST	05/23/08	PAYROLL	12.00	234.00	
05/08	LAB	PR DJ-806-052308	HUSOS	OSCAR T HUST	05/23/08	PAYROLL	11.50	224.25	
05/08	LAB	PR DJ-806-052308	HUSOS	OSCAR T HUST	05/23/08	PAYROLL	4.50	87.75	
05/08	LAB	PR DJ-806-052308	JOHGR	GREGORY W JOHNSON	05/23/08	PAYROLL	9.50	104.50	
05/08	LAB	PR DJ-806-052308	JOHGR	GREGORY W JOHNSON	05/23/08	PAYROLL	9.50	104.50	
05/08	LAB	PR DJ-806-052308	JOHGR	GREGORY W JOHNSON	05/23/08	PAYROLL	9.50	104.50	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	12.00	192.00	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	12.00	192.00	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	11.50	184.00	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	4.50	72.00	
05/08	LAB	PR DJ-806-052308	PASTH	THOMAS W PASCHKE	05/23/08	PAYROLL	10.00	384.62	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	12.00	168.00	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	12.00	168.00	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	11.50	161.00	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	4.50	63.00	
05/08	LAB	PR DJ-806-052308	SCHJA	JAMES B SCHLANSER	05/23/08	PAYROLL	40.00	1161.30	
05/08	LAB	PR DJ-806-052308	SCHMA	MARK Y SCHNEIDER	05/23/08	PAYROLL	4.00	62.00	
05/08	LAB	PR DJ-806-052308	BILER	ERIK A BILSTAD	05/23/08	PAYROLL	7.00	131.25	
05/08	LAB	PR DJ-806-052308	BILER	ERIK A BILSTAD	05/23/08	PAYROLL	11.50	215.63	
05/08	LAB	PR DJ-806-052308	DAWCH	CHRISTOPHER V DAWSON	05/23/08	PAYROLL	7.00	131.25	
05/08	LAB	PR DJ-806-052308	DAWCH	CHRISTOPHER V DAWSON	05/23/08	PAYROLL	11.50	215.63	
05/08	LAB	PR DJ-806-052308	ERIDO	DORAN A ERICKSON	05/23/08	PAYROLL	7.00	168.00	
05/08	LAB	PR DJ-806-052308	ERIDO	DORAN A ERICKSON	05/23/08	PAYROLL	10.00	240.00	
05/08	LAB	PR DJ-806-052308	HUSOS	OSCAR T HUST	05/23/08	PAYROLL	7.00	204.75	
05/08	LAB	PR DJ-806-052308	HUSOS	OSCAR T HUST	05/23/08	PAYROLL	10.00	292.50	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	7.00	168.00	
05/08	LAB	PR DJ-806-052308	MCCJI	JIMMY J MCCROSKEY	05/23/08	PAYROLL	11.50	276.00	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	7.00	147.00	
05/08	LAB	PR DJ-806-052308	SCHBR	BRADLEY A SCHUSSMAN	05/23/08	PAYROLL	11.50	241.50	
05/08	LAB	PR DJ-806-052308	SCHMA	MARK Y SCHNEIDER	05/23/08	PAYROLL	2.00	46.50	
05/08	LAB	PR DJ-810-053008	BILER	ERIK A BILSTAD	05/30/08	PAYROLL	11.00	137.50	
05/08	LAB	PR DJ-810-053008	BILER	ERIK A BILSTAD	05/30/08	PAYROLL	11.00	137.50	
05/08	LAB	PR DJ-810-053008	BILER	ERIK A BILSTAD	05/30/08	PAYROLL	6.00	75.00	
05/08	LAB	PR DJ-810-053008	BRECO	CODY L BRENDEN	05/30/08	PAYROLL	4.00	44.00	
05/08	LAB	PR DJ-810-053008	BRECO	CODY L BRENDEN	05/30/08	PAYROLL	8.50	93.50	
05/08	LAB	PR DJ-810-053008	CARLO	LORENZO CARDONA	05/30/08	PAYROLL	7.00	108.50	
05/08	LAB	PR DJ-810-053008	CARLO	LORENZO CARDONA	05/30/08	PAYROLL	11.50	178.25	
05/08	LAB	PR DJ-810-053008	CARLO	LORENZO CARDONA	05/30/08	PAYROLL	8.50	131.75	
05/08	LAB	PR DJ-810-053008	CARLO	LORENZO CARDONA	05/30/08	PAYROLL	2.00	31.00	
05/08	LAB	PR DJ-810-053008	COPAR	ARTHUR L COPELL, JR.	05/30/08	PAYROLL	20.00	550.00	

Site
Utilities

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MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
05/08	LAB	PR DJ-810-053008	DAWCH	CHRISTOPHER V DAWSON	05/30/08	PAYROLL	11.00	137.50	
05/08	LAB	PR DJ-810-053008	DAWCH	CHRISTOPHER V DAWSON	05/30/08	PAYROLL	11.00	137.50	
05/08	LAB	PR DJ-810-053008	ERIDO	DORAN A ERICKSON	05/30/08	PAYROLL	11.00	176.00	
05/08	LAB	PR DJ-810-053008	ERIDO	DORAN A ERICKSON	05/30/08	PAYROLL	11.00	176.00	
05/08	LAB	PR DJ-810-053008	GARJO	JOSE GARZA	05/30/08	PAYROLL	6.00	103.50	
05/08	LAB	PR DJ-810-053008	GARJO	JOSE GARZA	05/30/08	PAYROLL	11.50	198.38	
05/08	LAB	PR DJ-810-053008	GARJO	JOSE GARZA	05/30/08	PAYROLL	5.50	94.88	
05/08	LAB	PR DJ-810-053008	GARJO	JOSE GARZA	05/30/08	PAYROLL	3.50	60.38	
05/08	LAB	PR DJ-810-053008	GONJO	JOSE L GONZALEZ	05/30/08	PAYROLL	4.50	56.25	
05/08	LAB	PR DJ-810-053008	GONJO	JOSE L GONZALEZ	05/30/08	PAYROLL	11.50	143.75	
05/08	LAB	PR DJ-810-053008	GONJO	JOSE L GONZALEZ	05/30/08	PAYROLL	7.00	87.50	
05/08	LAB	PR DJ-810-053008	GRALE	LEROY J GRANDBOIS	05/30/08	PAYROLL	3.00	48.00	
05/08	LAB	PR DJ-810-053008	GRALE	LEROY J GRANDBOIS	05/30/08	PAYROLL	8.00	128.00	
05/08	LAB	PR DJ-810-053008	GRALE	LEROY J GRANDBOIS	05/30/08	PAYROLL	2.00	32.00	
05/08	LAB	PR DJ-810-053008	HARJO	JONI K HARRIS	05/30/08	PAYROLL	3.25	41.44	
05/08	LAB	PR DJ-810-053008	HERLE	LEONARDO HERNANDEZ JR	05/30/08	PAYROLL	5.00	60.00	
05/08	LAB	PR DJ-810-053008	HERLE	LEONARDO HERNANDEZ JR	05/30/08	PAYROLL	11.50	138.00	
05/08	LAB	PR DJ-810-053008	HERLE	LEONARDO HERNANDEZ JR	05/30/08	PAYROLL	5.00	60.00	
05/08	LAB	PR DJ-810-053008	HERLU	LUIS A HERNANDEZ	05/30/08	PAYROLL	5.00	60.00	
05/08	LAB	PR DJ-810-053008	HERLU	LUIS A HERNANDEZ	05/30/08	PAYROLL	11.50	138.00	
05/08	LAB	PR DJ-810-053008	HERLU	LUIS A HERNANDEZ	05/30/08	PAYROLL	5.00	60.00	
05/08	LAB	PR DJ-810-053008	HOWJU	JUNIOR T HOWLETT	05/30/08	PAYROLL	6.00	66.00	
05/08	LAB	PR DJ-810-053008	HOWJU	JUNIOR T HOWLETT	05/30/08	PAYROLL	10.50	115.50	
05/08	LAB	PR DJ-810-053008	HOWJU	JUNIOR T HOWLETT	05/30/08	PAYROLL	3.50	38.50	
05/08	LAB	PR DJ-810-053008	HUSOS	OSCAR T HUST	05/30/08	PAYROLL	11.00	214.50	
05/08	LAB	PR DJ-810-053008	HUSOS	OSCAR T HUST	05/30/08	PAYROLL	10.50	204.75	
05/08	LAB	PR DJ-810-053008	HUSOS	OSCAR T HUST	05/30/08	PAYROLL	6.00	117.00	
05/08	LAB	PR DJ-810-053008	JOHGR	GREGORY W JOHNSON	05/30/08	PAYROLL	11.00	121.00	
05/08	LAB	PR DJ-810-053008	JOHGR	GREGORY W JOHNSON	05/30/08	PAYROLL	11.00	121.00	
05/08	LAB	PR DJ-810-053008	JUEPA	PATRICK B JUERGENSEN	05/30/08	PAYROLL	5.50	66.00	
05/08	LAB	PR DJ-810-053008	JUEPA	PATRICK B JUERGENSEN	05/30/08	PAYROLL	10.50	126.00	
05/08	LAB	PR DJ-810-053008	JUEPA	PATRICK B JUERGENSEN	05/30/08	PAYROLL	11.50	138.00	
05/08	LAB	PR DJ-810-053008	MCCJI	JIMMY J MCCROSKEY	05/30/08	PAYROLL	11.00	176.00	
05/08	LAB	PR DJ-810-053008	MCCJI	JIMMY J MCCROSKEY	05/30/08	PAYROLL	11.00	176.00	
05/08	LAB	PR DJ-810-053008	MCCJI	JIMMY J MCCROSKEY	05/30/08	PAYROLL	11.50	184.00	
05/08	LAB	PR DJ-810-053008	RUEJU	JUAN GARCIA RUELAS	05/30/08	PAYROLL	6.00	87.00	
05/08	LAB	PR DJ-810-053008	RUEJU	JUAN GARCIA RUELAS	05/30/08	PAYROLL	11.50	166.75	
05/08	LAB	PR DJ-810-053008	RUEJU	JUAN GARCIA RUELAS	05/30/08	PAYROLL	9.00	130.50	
05/08	LAB	PR DJ-810-053008	RUEJU	JUAN GARCIA RUELAS	05/30/08	PAYROLL	3.50	50.75	
05/08	LAB	PR DJ-810-053008	SCHBR	BRADLEY A SCHUSSMAN	05/30/08	PAYROLL	11.00	154.00	

Concrete

As Of:01/27/09 On:01/27/09 (JC.8)

Time: 14:51 Page: 4

MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	Date	Reference	Hours/ Quantity	Transaction Amount	Description
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05/08	LAB	PR DJ-810-053008	SCHBR	BRADLEY A SCHUSSMAN	05/30/08	PAYROLL	11.00	154.00	
05/08	LAB	PR DJ-810-053008	SCHJA	JAMES B SCHLANSER	05/30/08	PAYROLL	20.00	580.65	
05/08	LAB	PR DJ-810-053008	SWEAN	ANTHONY L SWEET	05/30/08	PAYROLL	5.50	66.00	
05/08	LAB	PR DJ-810-053008	SWEAN	ANTHONY L SWEET	05/30/08	PAYROLL	11.50	138.00	
05/08	LAB	PR DJ-810-053008	SWEAN	ANTHONY L SWEET	05/30/08	PAYROLL	4.00	48.00	
05/08	LAB	PR DJ-810-053008	THOAN	ANDREW A THOMPSON	05/30/08	PAYROLL	6.00	78.00	Concrete
05/08	LAB	PR DJ-810-053008	THOAN	ANDREW A THOMPSON	05/30/08	PAYROLL	11.50	149.50	
05/08	LAB	PR DJ-810-053008	THOAN	ANDREW A THOMPSON	05/30/08	PAYROLL	2.50	32.50	
05/08	LAB	PR DJ-810-053008	VONST	STEVEN L VON ALMAN	05/30/08	PAYROLL	3.50	44.63	
05/08	LAB	PR DJ-810-053008	WINMI	MICHAEL J WINANS	05/30/08	PAYROLL	3.50	47.25	
05/08	LAB	PR DJ-810-053008	CARLO	LORENZO CARDONA	05/30/08	PAYROLL	1.50	34.88	
05/08	LAB	PR DJ-810-053008	GARJO	JOSE GARZA	05/30/08	PAYROLL	2.00	51.75	
05/08	LAB	GL JE-030-080808	14000	GENERAL JOURNAL	08/08/08	JRNL ENTRY	1078.25	18210.37	AE#32-MAY
05/08	LAB	GL JE-030-080808	14000	GENERAL JOURNAL	08/08/08	JRNL ENTRY	1078.25-	18210.37	AE#32-MAY
						Labor	1078.25	18210.37	
						Period 05/08 Total	1078.25	18210.37	

06/08	LAB	PR DJ-812-060608	ANDRA	RANDY S ANDEL	06/06/08	PAYROLL	5.50	78.38	
06/08	LAB	PR DJ-812-060608	CARLA	LANDON V CARLBLOM	06/06/08	PAYROLL	11.50	207.00	
06/08	LAB	PR DJ-812-060608	CARLA	LANDON V CARLBLOM	06/06/08	PAYROLL	3.00	54.00	
06/08	LAB	PR DJ-812-060608	ESLMI	MICHAEL S ESLINGER	06/06/08	PAYROLL	3.00	59.25	
06/08	LAB	PR DJ-812-060608	ESLPH	PHILLIP D ESLINGER	06/06/08	PAYROLL	11.50	126.50	
06/08	LAB	PR DJ-812-060608	ESLPH	PHILLIP D ESLINGER	06/06/08	PAYROLL	4.00	44.00	
06/08	LAB	PR DJ-812-060608	HARJO	JONI K HARRIS	06/06/08	PAYROLL	6.75	86.06	Truck Drivers
06/08	LAB	PR DJ-812-060608	HERCL	CLANE D HERTZ	06/06/08	PAYROLL	6.00	85.50	
06/08	LAB	PR DJ-812-060608	JAGJE	JEREMY W JAGOL	06/06/08	PAYROLL	2.00	38.00	
06/08	LAB	PR DJ-812-060608	JENHI	HEIDI M JENSON	06/06/08	PAYROLL	6.50	81.25	
06/08	LAB	PR DJ-812-060608	KAPGA	GARY A KAPAUN II	06/06/08	PAYROLL	5.25	70.88	
06/08	LAB	PR DJ-812-060608	KUCBA	BALDWIN R KUCHENBECKER	06/06/08	PAYROLL	6.00	81.00	
06/08	LAB	PR DJ-812-060608	PERJU	JUAN A PEREZ	06/06/08	PAYROLL	5.75	74.75	
06/08	LAB	PR DJ-812-060608	VONST	STEVEN L VON ALMAN	06/06/08	PAYROLL	7.00	89.25	
06/08	LAB	PR DJ-812-060608	WINMI	MICHAEL J WINANS	06/06/08	PAYROLL	6.25	84.38	
06/08	LAB	PR DJ-812-060608	ZITBE	BETH L ZITZOW	06/06/08	PAYROLL	5.50	71.50	
06/08	LAB	PR DJ-812-060608	ESLMI	MICHAEL S ESLINGER	06/06/08	PAYROLL	7.00	207.38	
06/08	LAB	PR DJ-813-061308	ANDRA	RANDY S ANDEL	06/13/08	PAYROLL	8.50	121.13	
06/08	LAB	PR DJ-813-061308	ANDRA	RANDY S ANDEL	06/13/08	PAYROLL	1.00	14.25	
06/08	LAB	PR DJ-813-061308	ANDRA	RANDY S ANDEL	06/13/08	PAYROLL	10.25	146.06	
06/08	LAB	PR DJ-813-061308	ANDRA	RANDY S ANDEL	06/13/08	PAYROLL	11.50	163.88	
06/08	LAB	PR DJ-813-061308	BALRO	ROBERTO C BALBOA	06/13/08	PAYROLL	6.00	111.00	
06/08	LAB	PR DJ-813-061308	CARLA	LANDON V CARLBLOM	06/13/08	PAYROLL	12.00	216.00	

As Of:01/27/09 On:01/27/09 (JC.8)

Time: 14:51 Page: 5

MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : PS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
06/08	LAB	PR DJ-813-061308	CARLA	CARLA LONDON V CARLBLOM	06/13/08	PAYROLL	2.50	45.00	
06/08	LAB	PR DJ-813-061308	CARLA	CARLA LONDON V CARLBLOM	06/13/08	PAYROLL	13.00	234.00	
06/08	LAB	PR DJ-813-061308	CARLA	CARLA LONDON V CARLBLOM	06/13/08	PAYROLL	12.50	225.00	
06/08	LAB	PR DJ-813-061308	CHRJA	CHRJA JAY CHRISTIANSON	06/13/08	PAYROLL	10.00	396.15	
06/08	LAB	PR DJ-813-061308	ESLPH	ESLPH PHILLIP D ESLINGER	06/13/08	PAYROLL	13.50	148.50	
06/08	LAB	PR DJ-813-061308	ESLPH	ESLPH PHILLIP D ESLINGER	06/13/08	PAYROLL	1.00	11.00	
06/08	LAB	PR DJ-813-061308	ESLPH	ESLPH PHILLIP D ESLINGER	06/13/08	PAYROLL	10.50	115.50	
06/08	LAB	PR DJ-813-061308	ESLPH	ESLPH PHILLIP D ESLINGER	06/13/08	PAYROLL	10.50	115.50	
06/08	LAB	PR DJ-813-061308	FELRY	FELRY RYAN A FELDT	06/13/08	PAYROLL	12.00	192.00	
06/08	LAB	PR DJ-813-061308	HARJO	HARJO JONI K HARRIS	06/13/08	PAYROLL	1.25	15.94	
06/08	LAB	PR DJ-813-061308	HARJO	HARJO JONI K HARRIS	06/13/08	PAYROLL	8.75	111.56	
06/08	LAB	PR DJ-813-061308	HARJO	HARJO JONI K HARRIS	06/13/08	PAYROLL	11.25	143.44	
06/08	LAB	PR DJ-813-061308	HEDVA	HEDVA VAUGHN S HEDSTROM	06/13/08	PAYROLL	1.00	16.50	
06/08	LAB	PR DJ-813-061308	HEDVA	HEDVA VAUGHN S HEDSTROM	06/13/08	PAYROLL	6.00	99.00	
06/08	LAB	PR DJ-813-061308	HERCL	HERCL CLANE D HERTZ	06/13/08	PAYROLL	6.00	85.50	
06/08	LAB	PR DJ-813-061308	HERCL	HERCL CLANE D HERTZ	06/13/08	PAYROLL	2.00	28.50	
06/08	LAB	PR DJ-813-061308	HERCL	HERCL CLANE D HERTZ	06/13/08	PAYROLL	5.00	71.25	
06/08	LAB	PR DJ-813-061308	JENHI	JENHI HEIDI M JENSON	06/13/08	PAYROLL	1.00	12.50	
06/08	LAB	PR DJ-813-061308	JENHI	JENHI HEIDI M JENSON	06/13/08	PAYROLL	11.00	137.50	
06/08	LAB	PR DJ-813-061308	JENHI	JENHI HEIDI M JENSON	06/13/08	PAYROLL	10.25	128.13	
06/08	LAB	PR DJ-813-061308	JOHJO	JOHJO JOHN B JOHNSON	06/13/08	PAYROLL	3.50	45.50	
06/08	LAB	PR DJ-813-061308	JOHJO	JOHJO JOHN B JOHNSON	06/13/08	PAYROLL	8.50	110.50	
06/08	LAB	PR DJ-813-061308	JOHJO	JOHJO JOHN B JOHNSON	06/13/08	PAYROLL	11.50	149.50	
06/08	LAB	PR DJ-813-061308	JOHJO	JOHJO JOHN B JOHNSON	06/13/08	PAYROLL	11.25	146.25	
06/08	LAB	PR DJ-813-061308	KAPGA	KAPGA GARY A KAPAUN II	06/13/08	PAYROLL	6.50	87.75	
06/08	LAB	PR DJ-813-061308	KAPGA	KAPGA GARY A KAPAUN II	06/13/08	PAYROLL	6.00	81.00	
06/08	LAB	PR DJ-813-061308	KAPGA	KAPGA GARY A KAPAUN II	06/13/08	PAYROLL	7.00	94.50	
06/08	LAB	PR DJ-813-061308	KUCBA	KUCBA BALDWIN R KUCHENBECKER	06/13/08	PAYROLL	6.50	87.75	
06/08	LAB	PR DJ-813-061308	KUCBA	KUCBA BALDWIN R KUCHENBECKER	06/13/08	PAYROLL	9.50	128.25	
06/08	LAB	PR DJ-813-061308	KUCBA	KUCBA BALDWIN R KUCHENBECKER	06/13/08	PAYROLL	8.00	108.00	
06/08	LAB	PR DJ-813-061308	PERJU	PERJU JUAN A PEREZ	06/13/08	PAYROLL	7.00	91.00	
06/08	LAB	PR DJ-813-061308	PERJU	PERJU JUAN A PEREZ	06/13/08	PAYROLL	11.50	149.50	
06/08	LAB	PR DJ-813-061308	PERJU	PERJU JUAN A PEREZ	06/13/08	PAYROLL	11.50	149.50	
06/08	LAB	PR DJ-813-061308	SCHRI	SCHRI RICHARD W SCHUSSMAN	06/13/08	PAYROLL	2.50	36.25	
06/08	LAB	PR DJ-813-061308	SWAED	SWAED EDWARD R SWANTEK	06/13/08	PAYROLL	11.25	146.25	
06/08	LAB	PR DJ-813-061308	SWAED	SWAED EDWARD R SWANTEK	06/13/08	PAYROLL	11.00	143.00	
06/08	LAB	PR DJ-813-061308	VONST	VONST STEVEN L VON ALMAN	06/13/08	PAYROLL	1.00	12.75	
06/08	LAB	PR DJ-813-061308	VONST	VONST STEVEN L VON ALMAN	06/13/08	PAYROLL	11.50	146.63	
06/08	LAB	PR DJ-813-061308	VONST	VONST STEVEN L VON ALMAN	06/13/08	PAYROLL	11.25	143.44	
06/08	LAB	PR DJ-813-061308	WINMI	WINMI MICHAEL J WINANS	06/13/08	PAYROLL	8.25	111.38	

Truck Drivers

As Of:01/27/09 On:01/27/09 (JC.8)

Time: 14:51 Page: 6

MASTER CONSTRUCTION CO INC
 ** Cost Detail Report **
 Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES
 From: 01/01/2008 Thru: 07/31/2008
 Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
06/08	LAB	PR DJ-813-061308	WINMI	MICHAEL J WINANS	06/13/08	PAYROLL	11.25	151.88	
06/08	LAB	PR DJ-813-061308	WINMI	MICHAEL J WINANS	06/13/08	PAYROLL	10.50	141.75	
06/08	LAB	PR DJ-813-061308	ZITBE	BETH L ZITZOW	06/13/08	PAYROLL	7.00	91.00	
06/08	LAB	PR DJ-813-061308	ZITBE	BETH L ZITZOW	06/13/08	PAYROLL	10.00	130.00	
06/08	LAB	PR DJ-813-061308	ESLPH	PHILLIP D ESLINGER	06/13/08	PAYROLL	2.00	33.00	
06/08	LAB	PR DJ-813-061308	HEDVA	VAUGHN S HEDSTROM	06/13/08	PAYROLL	9.50	235.13	
06/08	LAB	PR DJ-813-061308	HEDVA	VAUGHN S HEDSTROM	06/13/08	PAYROLL	1.50	37.13	
06/08	LAB	PR DJ-814-062008	ANDRA	RANDY S ANDEL	06/20/08	PAYROLL	7.50	106.88	
06/08	LAB	PR DJ-814-062008	ANDRA	RANDY S ANDEL	06/20/08	PAYROLL	11.50	163.88	
06/08	LAB	PR DJ-814-062008	BJETI	TIMOTHY E BJERKE	06/20/08	PAYROLL	8.00	120.00	
06/08	LAB	PR DJ-814-062008	BJETI	TIMOTHY E BJERKE	06/20/08	PAYROLL	2.00	30.00	
06/08	LAB	PR DJ-814-062008	CARLA	LANDON V CARLBLOM	06/20/08	PAYROLL	8.00	144.00	
06/08	LAB	PR DJ-814-062008	CHRJA	JAY CHRISTIANSON	06/20/08	PAYROLL	10.00	396.15	
06/08	LAB	PR DJ-814-062008	FELRY	RYAN A FELDT	06/20/08	PAYROLL	11.25	180.00	
06/08	LAB	PR DJ-814-062008	HARJO	JONI K HARRIS	06/20/08	PAYROLL	6.00	76.50	
06/08	LAB	PR DJ-814-062008	HEDVA	VAUGHN S HEDSTROM	06/20/08	PAYROLL	2.00	33.00	
06/08	LAB	PR DJ-814-062008	HEDVA	VAUGHN S HEDSTROM	06/20/08	PAYROLL	1.50	24.75	
06/08	LAB	PR DJ-814-062008	HERCL	CLANE D HERTZ	06/20/08	PAYROLL	1.00	14.25	
06/08	LAB	PR DJ-814-062008	JENHI	HEIDI M JENSON	06/20/08	PAYROLL	7.25	90.63	
06/08	LAB	PR DJ-814-062008	JOHJO	JOHN B JOHNSON	06/20/08	PAYROLL	6.75	87.75	
06/08	LAB	PR DJ-814-062008	KAPGA	GARY A KAPAUN II	06/20/08	PAYROLL	7.00	94.50	
06/08	LAB	PR DJ-814-062008	KOLKE	KELLY D KOLNES	06/20/08	PAYROLL	10.00	197.50	
06/08	LAB	PR DJ-814-062008	KUCBA	BALDWIN R KUCHENBECKER	06/20/08	PAYROLL	7.00	94.50	
06/08	LAB	PR DJ-814-062008	PERJU	JUAN A PEREZ	06/20/08	PAYROLL	7.00	91.00	
06/08	LAB	PR DJ-814-062008	SWAED	EDWARD R SWANTEK	06/20/08	PAYROLL	6.75	87.75	
06/08	LAB	PR DJ-814-062008	VONST	STEVEN L VON ALMAN	06/20/08	PAYROLL	5.00	63.75	
06/08	LAB	PR DJ-814-062008	WINMI	MICHAEL J WINANS	06/20/08	PAYROLL	6.75	91.13	
06/08	LAB	PR DJ-814-062008	ZITBE	BETH L ZITZOW	06/20/08	PAYROLL	6.75	87.75	
06/08	LAB	PR DJ-816-062708	BJETI	TIMOTHY E BJERKE	06/27/08	PAYROLL	12.50	187.50	
06/08	LAB	PR DJ-816-062708	CARLA	LANDON V CARLBLOM	06/27/08	PAYROLL	13.00	234.00	
06/08	LAB	PR DJ-816-062708	CARLA	LANDON V CARLBLOM	06/27/08	PAYROLL	14.50	261.00	
06/08	LAB	PR DJ-816-062708	HEDVA	VAUGHN S HEDSTROM	06/27/08	PAYROLL	1.50	24.75	
06/08	LAB	PR DJ-816-062708	HEDVA	VAUGHN S HEDSTROM	06/27/08	PAYROLL	3.50	57.75	
06/08	LAB	PR DJ-816-062708	HEDVA	VAUGHN S HEDSTROM	06/27/08	PAYROLL	1.00	16.50	
06/08	LAB	PR DJ-816-062708	JENHI	HEIDI M JENSON	06/27/08	PAYROLL	3.50	43.75	
06/08	LAB	PR DJ-816-062708	JOHJO	JOHN B JOHNSON	06/27/08	PAYROLL	3.50	45.50	
06/08	LAB	PR DJ-816-062708	KAPGA	GARY A KAPAUN II	06/27/08	PAYROLL	3.50	47.25	
06/08	LAB	PR DJ-816-062708	SWAED	EDWARD R SWANTEK	06/27/08	PAYROLL	11.25	146.25	
06/08	LAB	PR DJ-816-062708	WINMI	MICHAEL J WINANS	06/27/08	PAYROLL	4.75	64.13	
06/08	LAB	GL JE-038-081308	14000	GENERAL JOURNAL	08/13/08	JRNL ENTRY	729.00	11036.51	AE#31-JUN

Truck Drivers

As Of: 01/27/09 On: 01/27/09 (JC.8)

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MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANSER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/ Quantity	Transaction Amount	Description
					Date	Reference			
06/08	LAB	GL JE-038-081308	14000	GENERAL JOURNAL	08/13/08	JRNL ENTRY	729.00-	11036.51-AE#31-JUN	
						Labor	729.00	11036.51	
						Period 06/08 Total	729.00	11036.51	
07/08	LAB	PR DJ-817-070308		ANDRA RANDY S ANDEL	07/03/08	PAYROLL	5.50	78.38	
07/08	LAB	PR DJ-817-070308		ANDRA RANDY S ANDEL	07/03/08	PAYROLL	4.50	64.13	
07/08	LAB	PR DJ-817-070308		ANDRA RANDY S ANDEL	07/03/08	PAYROLL	3.50	49.88	
07/08	LAB	PR DJ-817-070308		BALRO ROBERTO C BALBOA	07/03/08	PAYROLL	5.00	92.50	
07/08	LAB	PR DJ-817-070308		HARJO JONI K HARRIS	07/03/08	PAYROLL	7.25	92.44	
07/08	LAB	PR DJ-817-070308		HERCL CLANE D HERTZ	07/03/08	PAYROLL	5.00	71.25	
07/08	LAB	PR DJ-817-070308		HERCL CLANE D HERTZ	07/03/08	PAYROLL	5.00	71.25	
07/08	LAB	PR DJ-817-070308		HERCL CLANE D HERTZ	07/03/08	PAYROLL	8.00	114.00	
07/08	LAB	PR DJ-817-070308		JENHI HEIDI M JENSON	07/03/08	PAYROLL	5.75	71.88	
07/08	LAB	PR DJ-817-070308		JENHI HEIDI M JENSON	07/03/08	PAYROLL	8.00	100.00	
07/08	LAB	PR DJ-817-070308		KAPGA GARY A KAPAUN II	07/03/08	PAYROLL	5.25	70.88	
07/08	LAB	PR DJ-817-070308		KAPGA GARY A KAPAUN II	07/03/08	PAYROLL	7.00	94.50	
07/08	LAB	PR DJ-817-070308		KAPGA GARY A KAPAUN II	07/03/08	PAYROLL	6.25	84.38	
07/08	LAB	PR DJ-817-070308		KUCBA BALDWIN R KUCHENBECKER	07/03/08	PAYROLL	5.50	74.25	
07/08	LAB	PR DJ-817-070308		KUCBA BALDWIN R KUCHENBECKER	07/03/08	PAYROLL	7.50	101.25	
07/08	LAB	PR DJ-817-070308		PERJU JUAN A PEREZ	07/03/08	PAYROLL	6.00	78.00	
07/08	LAB	PR DJ-817-070308		PERJU JUAN A PEREZ	07/03/08	PAYROLL	6.75	87.75	
07/08	LAB	PR DJ-817-070308		PERJU JUAN A PEREZ	07/03/08	PAYROLL	9.25	120.25	
07/08	LAB	PR DJ-817-070308		ZITBE BETH L ZITZOW	07/03/08	PAYROLL	1.00	13.00	
07/08	LAB	PR DJ-817-070308		ZITBE BETH L ZITZOW	07/03/08	PAYROLL	6.50	84.50	
07/08	LAB	PR DJ-817-070308		ZITBE BETH L ZITZOW	07/03/08	PAYROLL	1.50	19.50	
07/08	LAB	PR DJ-817-070308		ANDRA RANDY S ANDEL	07/03/08	PAYROLL	4.00	85.50	
07/08	LAB	PR DJ-817-070308		HERCL CLANE D HERTZ	07/03/08	PAYROLL	1.00	21.38	
07/08	LAB	PR DJ-817-070308		KAPGA GARY A KAPAUN II	07/03/08	PAYROLL	3.00	60.75	
07/08	LAB	PR DJ-817-070308		PERJU JUAN A PEREZ	07/03/08	PAYROLL	.50	9.75	
07/08	LAB	PR DJ-817-070308		ZITBE BETH L ZITZOW	07/03/08	PAYROLL	4.25	82.88	
07/08	LAB	PR DJ-818-071108		ANDRA RANDY S ANDEL	07/11/08	PAYROLL	8.00	114.00	
07/08	LAB	PR DJ-818-071108		HERCL CLANE D HERTZ	07/11/08	PAYROLL	9.50	135.38	
07/08	LAB	PR DJ-818-071108		KAPGA GARY A KAPAUN II	07/11/08	PAYROLL	7.50	101.25	
07/08	LAB	PR DJ-818-071108		KUCBA BALDWIN R KUCHENBECKER	07/11/08	PAYROLL	5.50	74.25	
07/08	LAB	PR DJ-818-071108		OSTJO JOSHUA D OSTENSON	07/11/08	PAYROLL	12.50	206.25	
07/08	LAB	PR DJ-818-071108		OSTJO JOSHUA D OSTENSON	07/11/08	PAYROLL	2.50	41.25	
07/08	LAB	PR DJ-818-071108		ZITBE BETH L ZITZOW	07/11/08	PAYROLL	8.00	104.00	
07/08	LAB	PR DJ-818-071108		OSTJO JOSHUA D OSTENSON	07/11/08	PAYROLL	6.50	160.88	
07/08	LAB	GL JE-058-092308	14000	GENERAL JOURNAL	09/23/08	JRNL ENTRY	192.75	2831.49 AE #36-JUL	
07/08	LAB	GL JE-058-092308	14000	GENERAL JOURNAL	09/23/08	JRNL ENTRY	192.75-	2831.49-AE #36-JUL	

Truck Drivers

As Of:01/27/09 On:01/27/09 (JC.8)

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MASTER CONSTRUCTION CO INC

** Cost Detail Report **

Job Number: 08 06 OSGOOD - JORDAHL CUSTOM HOMES

From: 01/01/2008 Thru: 07/31/2008

Open Jobs Only

Customer: JORCUS JORDAHL CUSTOM HOMES	Contr. Date:	Contr Amount: 178782.00	Contr Billings: .00
Contr No:	Est. Compl.:	Changeorders: .00	T & M Billings: 282832.00
Prj Mgr : FS FRED SCHLANER	Last Actvty: 12/27/08	Total Contr : 178782.00	Total Billed : 282832.00
Job Type: WN WATER MAIN- NORTH DAKOTA	Last Billed: 10/27/08	Pending CO'S: .00	Retainage Amt.: .00

Task Code	Prd. Type	Source Code	I.D.#	Name/Description	--Transaction--		Hours/	Transaction		
					Date	Reference	Quantity	Amount	Description	
							Labor	192.75	2831.49	
							Period 07/08 Total	192.75	2831.49	
				Task Code 01-	100 Total			2012.50	32271.12	
							Job Total	2012.50	32271.12	
							Labor	2012.50	32271.12	

**NOAA's National Weather Service Weather Forecast Office
Grand Forks, ND**

*Exhibit
#6*

Print

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6)

STATION: FARGO
MONTH: MAY
YEAR: 2008
LATITUDE: 46 54 N
LONGITUDE: 96 48 W

TEMPERATURE IN F:											:PCPN:		SNOW:		WIND		:SUNSHINE:		SKY		:PK WND	
DY	MAX	MIN	AVG	DEP	HDD	CDD	WTR	SNW	DPTH	SPD	SPD	DIR	MIN	PSBL	S-S	WX	SPD	DR				
1	64	43	54	3	11	0	T	0.0	0	17.9	33	50	M	M	7		40	40				
2	55	36	46	-6	19	0	0.44	0.0	0	22.2	35	10	M	M	6		44	10				
3	63	30	47	-5	18	0	0.00	0.0	0	13.4	26	350	M	M	0		32	350				
4	71	32	52	-1	13	0	0.00	0.0	0	12.7	33	330	M	M	2		47	310				
5	67	30	49	-4	16	0	0.00	0.0	0	6.0	16	150	M	M	2		21	160				
6	78	43	61	7	4	0	0.24	0.0	0	11.1	32	330	M	M	2	38	43	300				
7	62	36	49	-5	16	0	0.00	0.0	0	9.5	23	350	M	M	2	1	28	350				
8	55	35	45	-10	20	0	0.00	0.0	0	2.6	8	280	M	M	0		12	140				
9	62	37	50	-5	15	0	0.00	0.0	0	5.2	17	30	M	M	6		22	30				
10	48	31	40	-15	25	0	0.12	T	0	16.0	28	360	M	M	6	14	33	360				
11	63	25	44	-12	21	0	0.00	0.0	0	7.5	20	150	M	M	0		26	150				
12	63	48	56	0	9	0	T	0.0	0	18.9	31	150	M	M	6		43	150				
13	56	36	46	-11	19	0	0.00	0.0	0	15.5	29	340	M	M	7		33	330				
14	70	30	50	-7	15	0	0.02	0.0	0	6.9	21	340	M	M	3	8	23	340				
15	73	48	61	4	4	0	0.06	0.0	0	6.3	30	280	M	M	4		37	280				
16	84	41	63	5	2	0	0.00	0.0	0	12.8	33	310	M	M	2		43	320				
17	73	41	57	-1	8	0	0.00	0.0	0	17.2	40	320	M	M	2	8	51	340				
18	66	36	51	-7	14	0	0.00	0.0	0	8.3	21	340	M	M	0		25	360				
19	63	43	53	-6	12	0	0.02	0.0	0	10.2	23	80	M	M	7		30	80				
20	64	40	52	-7	13	0	0.00	0.0	0	14.7	26	340	M	M	0		35	360				
21	70	31	51	-8	14	0	0.00	0.0	0	8.6	18	40	M	M	0		28	30				
22	74	42	58	-2	7	0	0.00	0.0	0	10.6	18	110	M	M	0		28	90				
23	76	51	64	4	1	0	0.00	0.0	0	15.1	23	90	M	M	0		30	100				
24	76	50	63	3	2	0	0.31	0.0	0	18.0	33	120	M	M	4	1	47	120				
25	80	58	69	8	0	4	0.00	0.0	0	16.6	29	260	M	M	2	18	37	250				
26	60	37	49	-12	16	0	T	0.0	0	16.3	28	360	M	M	8	1	33	360				
27	66	32	49	-12	16	0	0.00	0.0	0	6.2	14	80	M	M	0		20	80				
28	71	51	61	-1	4	0	0.00	0.0	0	8.7	18	190	M	M	5		24	200				
29	64	56	60	-2	5	0	0.53	0.0	0	11.0	21	90	M	M	10	1	28	130				
30	69	55	62	0	3	0	0.15	0.0	0	6.0	16	350	M	M	8	1	22	260				
31	80	49	65	3	0	0	T	0.0	0	5.8	21	310	M	M	3	128	35	290				
SM	2086	1253			342	4	1.89	T		357.8			M		104							
AV	67.3	40.4								11.5	FASTST		PSBL	%	3		MAX (MPH)					
										MISC	---->	#	40	320			#	51	340			

NOTES:
LAST OF SEVERAL OCCURRENCES

COLUMN 17 PEAK WIND IN M.P.H.

Preliminary F6 Climate Data - NWS WFO Grand Forks, ND

Page 1 of 2

NOAA's National Weather Service Weather Forecast Office Grand Forks, ND

Print

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6)

STATION: FARGO
 MONTH: APRIL
 YEAR: 2008
 LATITUDE: 46 54 N
 LONGITUDE: 96 48 W

TEMPERATURE IN F:		:PCPN:		SNOW:		WIND		:SUNSHINE:		SKY		:PK WND						
1	2	3	4	5	6A	6B	7	8	9	10	11	12	13	14	15	16	17	18
AVG MX 2MIN																		
DY	MAX	MIN	AVG	DEP	HDD	CDD	WTR	SNW	DPHT	SPD	SPD	DIR	MIN	PSBL	S-S	WX	SPD	DR
1	41	26	34	-2	31	0	0.00	0.0	T	9.7	18	350	M	M	0		28	200
2	51	29	40	4	25	0	T	T	0	11.7	22	310	M	M	4		26	230
3	56	30	43	6	22	0	0.00	0.0	0	5.4	15	290	M	M	1 1		20	290
4	60	28	44	7	21	0	0.00	0.0	0	9.1	21	310	M	M	2		26	290
5	45	30	38	0	27	0	T	T	0	14.1	26	30	M	M	6 1		32	30
6	34	30	32	-7	33	0	0.57	5.7	5	23.0	31	30	M	M	10 12		40	30
7	47	24	36	-3	29	0	0.00	0.0	1	12.7	25	350	M	M	2		33	350
8	50	24	37	-3	28	0	0.00	0.0	0	2.5	13	20	M	M	0 1		15	30
9	51	30	41	1	24	0	0.00	0.0	0	8.5	15	120	M	M	1 1		18	130
10	48	32	40	-1	25	0	0.23	1.1	1	16.4	30	30	M	M	6 1		40	30
11	37	31	34	-7	31	0	0.10	1.0	1	21.9	36	10	M	M	10 1		44	20
12	48	27	38	-4	27	0	0.00	0.0	0	14.2	24	10	M	M	3		32	10
13	50	24	37	-5	28	0	0.00	0.0	0	4.5	12	160	M	M	0		26	120
14	55	31	43	0	22	0	0.00	0.0	0	19.1	32	170	M	M	0		40	160
15	68	41	55	12	10	0	0.00	0.0	0	23.1	38	170	M	M	0 8		44	160
16	60	33	47	3	18	0	T	0.0	0	15.0	26	300	M	M	3		38	300
17	62	27	45	1	20	0	0.00	0.0	0	5.2	16	270	M	M	1		21	300
18	65	30	48	3	17	0	0.00	0.0	0	5.3	13	150	M	M	0		16	140
19	65	30	48	3	17	0	0.00	0.0	0	6.7	17	100	M	M	0		22	90
20	67	41	54	8	11	0	0.00	0.0	0	16.2	26	110	M	M	4 1		32	110
21	52	34	43	-3	22	0	0.21	0.0	0	13.7	26	110	M	M	4 1		32	310
22	62	27	45	-2	20	0	0.00	0.0	0	6.8	24	270	M	M	2		29	270
23	56	31	44	-4	21	0	T	0.0	0	12.9	22	40	M	M	1		25	40
24	57	32	45	-3	20	0	0.32	0.0	0	18.0	29	350	M	M	9 13		36	350
25	33	30	32	-17	33	0	0.48	4.8	0	24.0	37	340	M	M	10 12		44	330
26	40	26	33	-16	32	0	0.42	4.3	7	18.8	30	320	M	M	5 18		38	310
27	44	20	32	-17	33	0	0.00	0.0	0	6.4	22	340	M	M	5		26	340
28	45	22	34	-16	31	0	0.00	0.0	T	5.5	14	170	M	M	0		17	160
29	54	32	43	-7	22	0	0.00	0.0	0	14.2	25	160	M	M	2		33	160
30	60	42	51	0	14	0	0.00	0.0	0	16.3	29	120	M	M	0		38	110
SM	1563	894			714	0	2.33	16.9	380.9				M		91			
AV	52.1	29.8								12.7	FASTST	PSBL	%	3		MAX(MPH)		
										MISC	---->	#	38	170		#	44	20

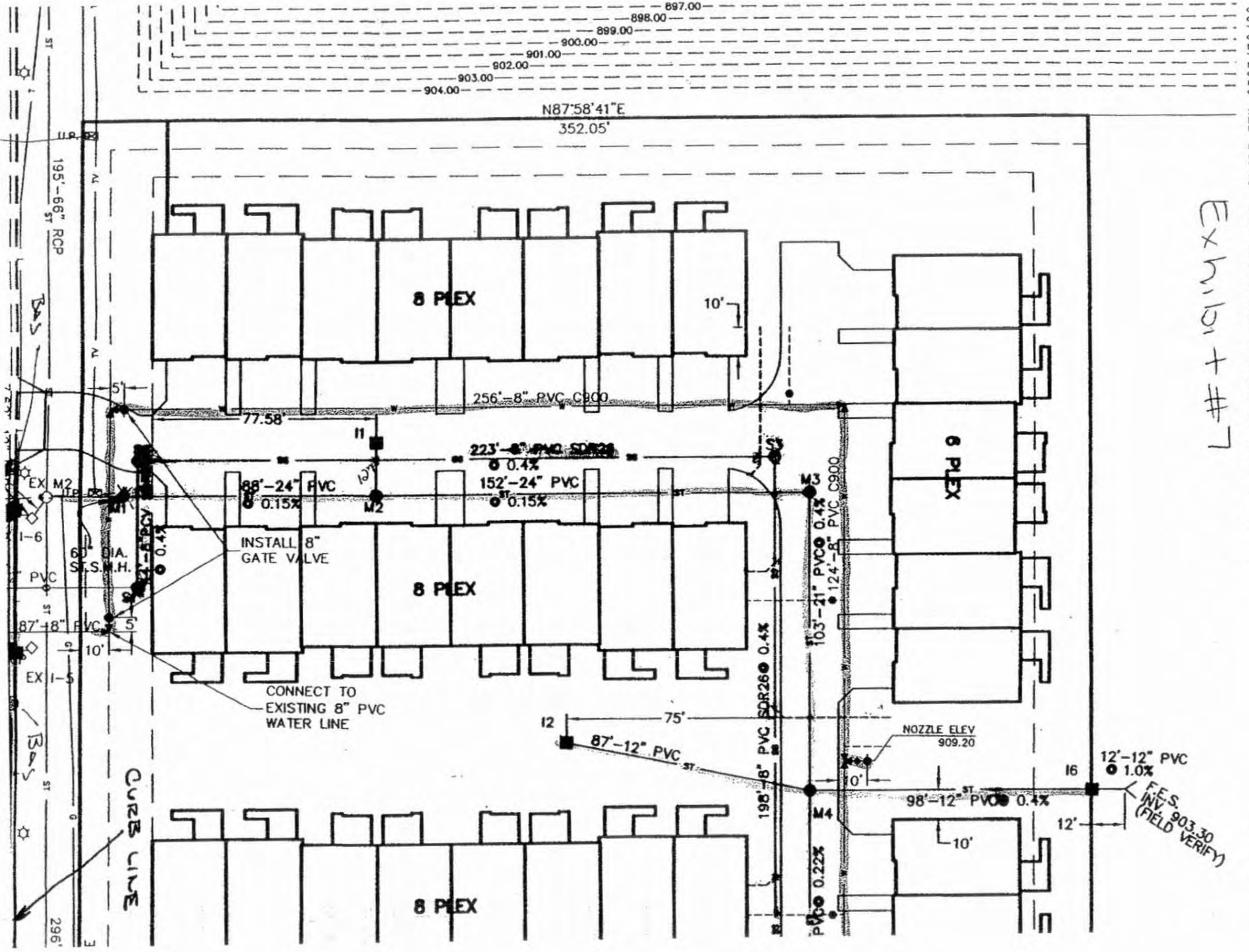
NOTES:
LAST OF SEVERAL OCCURRENCES

COLUMN 17 PEAK WIND IN M.P.H.

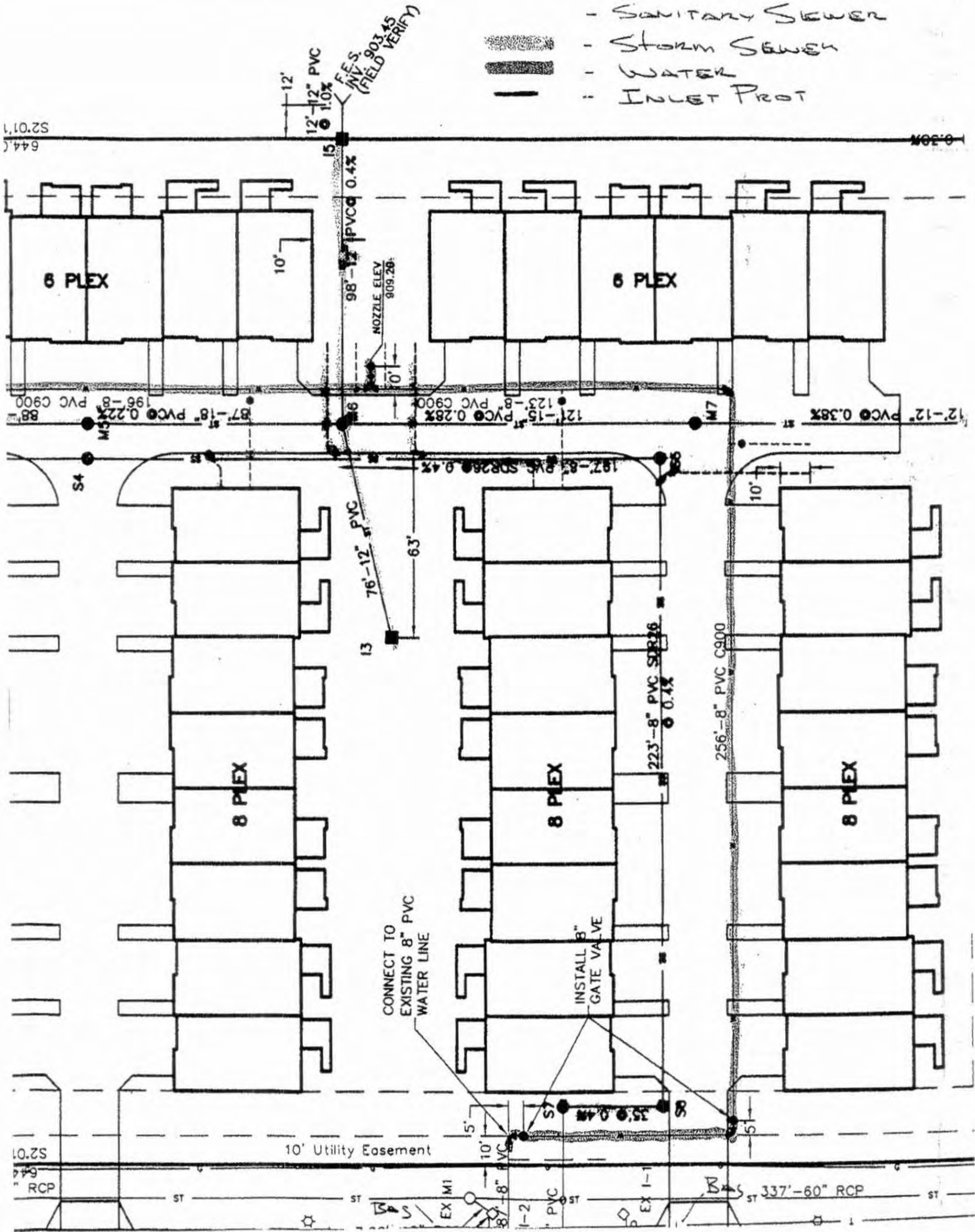
PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6) , PAGE 2

STATION: FARGO
 MONTH: APRIL
 YEAR: 2008

EXHIBIT #7



- SANITARY SEWER
- STORM SEWER
- WATER
- INLET PROT





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 29 2008

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred Schlanser Jr., President
Master Construction Co., Inc.
P.O. Box 788
Fargo, ND 58107

Re: Request for Information Pursuant to
Section 308 of the Clean Water Act,
33 U.S.C. §1318, and Compliance
Inspection Report

Dear Mr. Schlanser:

The Clean Water Act (Act) gives the United States Environmental Protection Agency (EPA) the responsibility to determine compliance with the Act and regulations and permits issued under the Act, in order to protect the Nation's waters from pollution. In furtherance of that responsibility, on September 23, 2008, EPA inspected the 47th Street Townhomes at 4696 47th Street South, in Fargo, North Dakota (the Site), which is owned and/or operated by Master Construction Co., Inc. and Jordahl Custom Homes, Inc.

This letter concerns the apparent failure to comply with the Act's requirements at the Site. Section 301 of the Act, 33 U.S.C. §1311, prohibits the discharge of pollutants to waters of the United States except as in compliance with section 402 of the Act, 33 U.S.C. §1342, among CWA provisions.

This letter also includes the report for the September 23, 2008 inspection. Please note that prior to the inspection, EPA inspectors presented credentials and informed the facility of the inspection process. Following the inspection, the EPA inspectors conducted an exit interview where they discussed their observations with representatives from Jordahl Custom Homes, Inc.

As part of its investigation of these apparent violations of sections 301 and 402 of the Act, the EPA is authorized to request information pursuant to section 308 of the Act, 33 U.S.C. § 1318. Please provide the information requested below for the Site as clearly and completely as possible **within thirty (30) calendar days** of your receipt of this letter to Amy Clark (8ENF-W-

NP) at the letterhead address above. Respond to each request to the fullest extent possible. If you cannot respond to a specific question, please provide an explanation as to why you can not answer. If information or documents become known to you after you send your reply, forward the newly found information as soon as possible.

The accuracy and completeness of the responses and documents required must be certified. A sample certification statement is enclosed. For a corporation, partnership, or sole proprietorship, the individual signing the certification must be a responsible corporate officer, general partner, or the proprietor, respectively.


A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. The inclusion of this information sheet does not necessarily mean that EPA has determined that your organization is a small business. SBREFA does not eliminate your responsibility to respond to this information request.

You may claim that EPA should treat any of the requested information as confidential. To make such a claim, you will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If you make a confidentiality claim, EPA will disclose the information covered by your claim only as allowed by that subpart. Whether EPA discloses the information will depend on whether EPA agrees that the information is entitled to confidential treatment. If you do not make a confidentiality claim when you submit the information to EPA, EPA may make the information available to the public without notifying you. **You are required to provide the information, even if you claim it is confidential.**

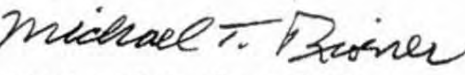
It is very important that you respond to this request for information, and your attention to this matter is greatly appreciated. Please note a complete response is mandatory. Under federal law, the failure to provide required information may result in civil penalties of up to \$32,500 per day of violation, and even harsher, criminal consequences are possible in the case of deliberate false statements. (33 U.S.C. §1319.)

Please direct any questions you may have to Amy Clark at (303) 312-7014. Questions from your attorney should be directed to Peggy Livingston, Enforcement Attorney, at (303) 312-6858. Thank you for your cooperation.

Sincerely,



Darcy O'Connor, Unit Chief
NPDES Enforcement Unit
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



for Matthew Cohn, Supervisory
Enforcement Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
and Environmental Justice

Enclosures: Information Request
Statement of Certification
SBREFA information sheet

cc: Gary Bracht, NDDH

INSTRUCTIONS

1. Please provide a separate response to each request (and subpart of a request) set forth in this information request. Please number your response, so that each response shows the number of the request to which it corresponds.
2. For each request, please identify all persons consulted in the preparation of the answer.
3. Please include a copy of each document relied upon or used to answer any of the requests. You must submit copies of all such documents available to you even if you believe they may have been submitted to EPA previously by you or anyone else. Each document must clearly indicate the number of each request to which it responds.
4. If you cannot answer any request in full, please answer to the extent possible. If your responses are qualified in any manner, please explain in detail the qualification and the reason(s) for each such qualification.
5. If, after answering this request, you learn about or acquire relevant new information or documents, you must send EPA a supplement to your response. If you learn at any time that any portion of your answer is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
6. If, in lieu of providing any document, you assert that it is privileged under the attorney-client privilege or any other privilege recognized by federal law, your answer must state the privilege you are asserting, explain the justification for asserting that privilege, and identify (1) the document; (2) the author of the document; and (3) each addressee and recipient of the document.
7. As used in this request,
 - "construction" includes but is not limited to any ground disturbing or earth moving activity such as clearing, grading, grubbing, excavating, filling, erecting any structure, or installing pipes, drains, and utilities.
 - "person" and "entity" include an individual, corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.
 - "Site" is defined in the cover letter.
 - "you" and "your company" mean Master Construction Co., Inc. and any parent, subsidiary, or affiliated company, predecessor- or successor-in interest, any other related business entity, and any officer, director, manager, employee, contractor, trustee, partner, successor, assign, and agent of any such company or entity.

REQUESTS

1. Identify (by name, business address, and company title) each individual answering these requests on behalf of your company.
2. Identify (by name, business address, and telephone number) each individual representative of your company whom you wish to receive all further communications from EPA related to storm water issues at the Site.
3. Identify (by name and business address) the following for your company:
 - a. Each parent and subsidiary company, affiliated company, predecessor- or successor-in interest, division, branch, and any other related business entity, with a description of relationships between and among these entities, and
 - b. Each officer, director, manager, member, trustee, and partner of your company and of each additional entity identified in your response to request 3.a.
4. List each name under which your company has done business.
5. Specify your company's relationship (e.g., owner, developer, general contractor, builder, lessee, etc.) with construction that has occurred at the Site.
6. Provide the following for each parcel of real property either wholly or partially within the Site where construction has been conducted by or under the direction of your company:
 - a. A legal description and proof of ownership (such as a deed);
 - b. A map or plat with all parcels clearly labeled;
 - c. The name and business address of each person that owned any interest in the property or controlled such property at the time of the construction; and
 - d. If ownership or control of any parcel has changed since construction first began at the Site, the date of such change, the name and business address of each person involved in the transaction, and a copy of each document evidencing that transaction.
7. Provide the following regarding construction at the Site:
 - a. Date ground disturbing activity or other construction began (or if the Site is a phased project, the date that construction began on each parcel within each phase at the Site);
 - b. The number of acres disturbed for each phase of construction including any off-site staging areas;

- c. The total number of acres disturbed for construction;
 - d. Copies of construction logs, grading work orders, etc. showing the dates of ground disturbing activities or other construction;
 - e. The date that construction was or is expected to be completed at the Site (or, if the Site is a phased project, the date that construction was completed on each parcel within each phase at the Site); and
 - f. The date that the Site (or, if done in stages, each parcel within the Site) was or is expected to be finally stabilized (i.e., when a vegetative cover of at least 70% of the pre-disturbance density was or will be established).
8. If work described in Request 7 above was performed by any entity other than your company, provide the following regarding each other entity involved:
- a. Name and business address of that entity;
 - b. The responsibilities of that entity with regard to construction at the Site; and
 - c. A copy of each pertinent contract or work agreement outlining the division of roles and responsibilities between your company and that entity.
9. Specify if the Site is part of a larger common plan of development or sale such as a phased project, common marketing plan, common developer, single plat, etc.
- a. If the Site is part of a larger common plan of development or sale, identify the number of acres of the larger common plan of development or sale, the number of acres you purchased, and whether construction activity occurred at the Site prior to your ownership of the property. Provide a copy of each document evidencing that transaction and indicate what storm water construction activities and/or responsibilities were fully or partially transferred to you as the new owner.
 - b. If you are the original developer of the development and the Site was subdivided (pad or portions sold to another owner or lessee), identify the number of acres sold or leased, the date of when the transaction took place, and the name and business address of the entity that purchased the subdivided area. Provide a copy of each document evidencing that transaction and indicate what storm water construction activities/responsibilities were fully or partially transferred to the new owner or lessee.
10. If there is any entity other than your company that you believe may be responsible for compliance with storm water control requirements at the Site, provide the name and business address of that entity and state the basis for your belief.

11. Identify each person (by name and business address) that has provided management control over construction at the Site,

- a. describe the relationship of that person to your company (e.g., whether that person is an employee of your company or an entity with which your company has contracted);
- b. provide a copy of each such contract; and
- c. provide the dates each such person provided management control over construction at the Site.

12. Identify each person (by name and business address) that has directed construction activity at the Site on a day-to-day basis and

- a. describe the relationship of that person to your company (e.g., whether that person is an employee of your company or an entity with which your company has contracted);
- b. provide a copy of each such contract; and
- c. provide the dates each such person directed day-to-day construction at the Site.

13. Describe all current and future plans for construction at the Site. To the extent not previously disclosed, provide a diagram showing where construction is planned.

14. Provide the following as it pertains to the version of the North Dakota Pollutant Discharge Elimination System Storm Water General Permit for Construction Activities (permit) in effect during the relevant time of construction of the Site or of any phase of the Site:

- a. A copy of each permit application or notice of intent (NOI) submitted to the North Dakota Department of Health (NDDH) for any construction at the Site, and any supporting documentation submitted to any federal, state, or local government agency relating in any way to construction at the Site;
- b. A copy of each notification from NDDH indicating that the Site was covered by the permit;
- c. A copy of each Storm Water Pollution Prevention Plan (SWPPP) and revisions thereto developed pursuant to the permit for each phase of construction at the Site. Please be sure that each revision is dated;
- d. The name and business address of each individual who has provided day-to-day operational control overseeing implementation of the SWPPP and the dates each such individual has served in that role;

- e. A chronology showing the installation and removal dates of Best Management Practices (BMPs) pursuant to the permit at the Site, with any available associated documentation or photograph(s) for any BMPs implemented. Label each photograph provided with the subject of the photograph, the specific location within the Site where it was taken, the date it was taken, and the name of the individual who took it;
- f. If storm water pond(s) are utilized within the Osgood Development and storm water from the Site enters the pond(s), a copy of the pond(s) drawings including the inlet and outlet structures, location of the pond(s) related to the Site, and how the pond connects to the City of Fargo's Municipal Separate Storm Sewer System (MS4);
- g. A description of the size and capacity, including any drawings, of the storm drain system at the Site, including the date the storm drain system was installed and date the storm drain system was connected to the City of Fargo's MS4;
- h. A log showing each date street sweeping pursuant to the permit was performed at the Site, and the name and business address of each individual who ordered the street sweeping to occur and who performed the street sweeping;
- i. A copy of each document evidencing any transfer of permit coverage for the Site to any other person (e.g., if any part of the Site was sold);
- j. A copy of each Notice of Termination of storm water permit coverage submitted to NDDH for all or any portion of the Site;
- k. The cost of any work performed at the Site related to compliance with the permit and state or federal storm water regulations, including work orders, receipts, hourly wages for employees performing storm water work, and documentation showing the costs of BMPs employed at the Site;
- l. A copy of the report of each storm water self-inspection conducted at the Site pursuant to the permit;
- m. If storm water self-inspections were conducted by any entity other than your company, a copy of any agreement your company had with the other entity to conduct these inspections and how you believe that agreement is consistent with the permit requirement to conduct self-inspections;
- n. If a self-inspection report is not available for any storm water self-inspections conducted, a list of all dates the storm water self-inspections were conducted;
- o. Documentation of each corrective measure implemented pursuant to the periodic self-inspections pursuant to the permit;
- p. Precipitation data for the Site while construction was occurring and a description of

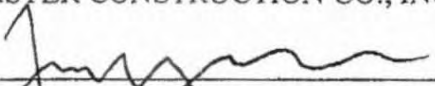
where the precipitation was obtained from;

- q. A description, including date, duration, type, cause, and remediation, of any non-storm water discharges of pollutants that have occurred at the Site;
 - r. A narrative description and documentation of any stabilization measures implemented at the Site; and
 - s. All other documents not included in response to the information requested above, that relate in any way to the Site's compliance with requirements in the permit.
15. Provide documentation of each drainage path at the Site, including a detailed map, showing the storm water runoff drainage paths between the Site and receiving waters (i.e., runoff from the Site to storm drains, any other drainage system, any Municipal Separate Storm Sewer Systems, intermediate creeks, drainage ditches, streams, rivers, or lakes).
16. Furnish a copy of each photograph in your possession of any part of the Site before, during, or after construction. Label each photograph provided with the subject of the photograph, the specific location within the Site where it was taken, the date it was taken, and the name of the individual who took it.
17. Provide a copy of each piece of correspondence with the NDDH regarding to the storm water management at the Site, including, but not limited to, any response to storm water inspection reports, each response to each (if any) NDDH Notice of Violation, documentation of any phone conversations with NDDH, meeting notes, etc.
18. Provide any other information about the Site that you believe may be useful in EPA's investigation.

STATEMENT OF CERTIFICATION

I certify under penalty of law that I am the person authorized on behalf of the person for whom I am signing below to respond to the United States Environmental Protection Agency's information request concerning the Site as defined therein, that I have personally examined and am familiar with the information (including all attachments) submitted in this response to the information request and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

MASTER CONSTRUCTION CO., INC.



Signature

1-28-09

Date

Fred J. Schlanser Jr.

Printed Name

President



Official Title

1572 45th Street NW

Fargo, ND

58102

Address

 EB 857211390 US		 UNITED STATES POSTAL SERVICE®		Customer Copy <small>Label 11-B, March 2004</small> Post Office To Addressee	
ORIGIN (POSTAL SERVICE USE ONLY)		Delivery Attempt Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature _____ Mo. 7 Day		Delivery Attempt Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature _____ Mo. 7 Day	
PO ZIP Code 58102		Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day		Postage \$ 19.80	
Date Accepted 01 28 09 <small>Mo. Day Year</small>		Scheduled Date of Delivery 01 29 <small>Month Day</small>		Return Receipt Fee \$	
Time Accepted 2:56 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM		COD Fee \$ Insurance Fee \$	
Flat Rate <input type="checkbox"/> or Weight 5.10 lbs. Ozs.		Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Total Postage & Fees \$ 19.80	
		Int'l Alpha Country Code		Acceptance Emp. Initials CS	
FROM: (PLEASE PRINT) PHONE 701 237-4950 Master Construction 1572 45th St NW Fargo ND 58102		CUSTOMER USE ONLY PAYMENT BY ACCOUNT Express Mail Corporate Acct. No. _____ Federal Agency Acct. No. or Postal Service Acct. No. _____ <input type="checkbox"/> WAVES OF SIGNATURE (Domestic Mail Only) <small>Additional merchandise insurance is void if customer requests waiver of signature. If not delivered to the addressee's agent or delivery employee (addressee's agent or delivery employee judges that article can be left in secure location) and authorize that delivery employee's signature constitutes valid proof of delivery.</small>			
		<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Mailer Signature _____			
FOR PICKUP OR TRACKING Visit www.usps.com Call 1-800-222-1811		TO: (PLEASE PRINT) PHONE () _____ US Environmental Protection Agency Region 8 Amy Clark BENE-W-UP 1595 Wynkoop St Denver CO <small>ZIP - U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.</small> 8 0 2 0 2 + 1 1 2 9 <small>FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.</small>			

1-100

EXHIBIT B

FARGO MAIN PO
 FARGO, North Dakota
 581029998
 4678690102 -0098
 01/28/2009 (701)241-6122 02:57:49 PM

Sales Receipt		
Product Description	Sale Qty	Unit Price
DENVER CO 80202-1129		
Zone-5 Express Mail		
PO-Add		
5.10 oz.		
Label #:		EB859211390US
Next Day Noon / Normal Delivery		
Issue PVI:		\$19.80

Total: \$19.80

Paid by:
 Cash \$20.00
 Change Due: -\$0.20

Order stamps at USPS.com/shop or call
 1-800-Stamp24. Go to USPS.com/clicknship
 to print shipping labels with postage.
 For other information call 1-800-ASK-USPS.

Bill#: 1000201407920
 Clerk: 12

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

C. [unclear]

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JUN -3 PM 1:38

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
47th Street Townhomes, LLC,)
Jordahl Custom Homes, Inc.,)
and)
)
Master Construction Co., Inc.)
)
Respondents.)
_____)

Docket No. CWA-08-2009-0021

**RESPONDENT MASTER
CONSTRUCTION CO., INC.
ANSWER TO PENALTY COMPLAINT
AND REQUEST FOR HEARING**

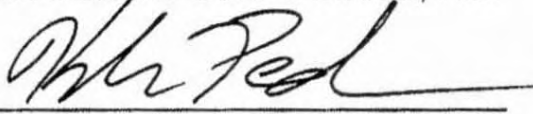
Respondent, Master Construction Co., Inc. (hereinafter "Master"), as and for its Answer to the Penalty Complaint and Notice of Opportunity for Hearing ("Complaint") allege and state as follows:

1. Except as is hereinafter admitted, qualified, or otherwise explained, Respondent, Master denies each and every allegation of the Complaint.
2. Respondent, Master admits Paragraphs 1 through 7, 9, 13, 14, 17 through 33, and 35 of the Complaint.
3. Respondent, Master admits Paragraph 8 of the Complaint to the extent that it began construction on or about April 28, 2008.
4. Respondent, Master admits Paragraph 28 of the Complaint to the extent that the Environmental Protection Agency apparently inspected the site on or about September 23, 2008.
5. Respondent, Master is without information to either admit or deny Paragraph 34 of the Complaint.

WHEREFORE, Respondent Master requests a hearing with respect to the allegations of the Complaint and the appropriateness of the proposed penalty.

Dated: June 2, 2010.

MONTGOMERY GOFF & BULLIS, P.C.

By 

James R. Bullis ND ID #04980

Kyle G. Pender ND ID #06300

PO Box 9199

Fargo ND 58106-9199

Telephone: (701) 281-8001

Attorneys for Respondent Master Construction
Co., Inc.