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Licensed in
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2010 JUN 14 AM 9:46

FILED
EPA REGION VIII
HEARING CLERK

June 9, 2010

Via Facsimile & US Mail

Ms. Peggy Livingston
Enforcement Attorney
Office of Enforcement,
Compliance
and Environmental Justice
US EPA Region 8
1595 Wynkoop Street
Denver CO 80202

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

Ms. 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 Ms. Livingston, Honorable Sutin, & Ms. Artemis:

Enclosed herewith for filing please find Respondent Master
Construction Co., Inc.'s Amended Motion to Re-Open the Hearing
in the above-entitled matter. The reference to the Affidavit of Fred
Schlanser has been removed. If you have any questions, please
do not hesitate to contact me at (701) 281-8001. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kyle G. Pender', written over a horizontal line.

Kyle G. Pender

KGP/hsw
Enclosure

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below, a copy of Respondent Master Construction Co., Inc.'s Amended Motion to Re-Open the Hearing was delivered or sent to the following:

One copy by regular mail and facsimile to:

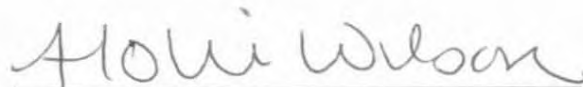
Ms. Peggy Livingston
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Fax: 303-312-7202

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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 9, 2010.



Holli Wilson

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Docket No. CWA-08-2009-0021

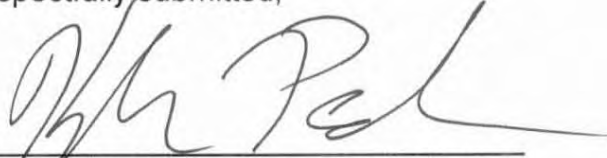
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RESPONDENT MASTER CONSTRUCTION CO., INC.'S
AMENDED MOTION TO RE-OPEN THE HEARING

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.

Dated: June 9, 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

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FAX TRANSMITTAL FORM

Date: 6/9/10
To: Peggy Livingston 303-312-7202
Honorable Elyana Sutin 303-312-6859
Tina Artemis 303-312-6859
From: Kyle Pender
RE: Docket No. CWA-08-2009-0021

MESSAGE: Please see attached. Thank you.

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 4

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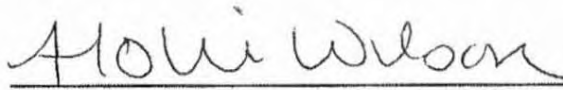
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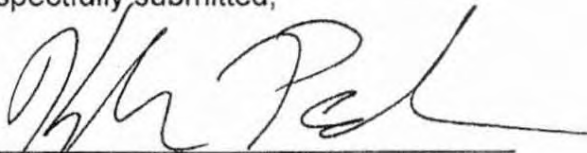
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