

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
SDWA-08-2007-0088

2009 OCT 28 AM 8:52

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
Gordon Poppens)
dba Gordy's Garage,)
)
)
)
RESPONDENT.)

NOTICE OF SUBSTITUTION OF COUNSEL

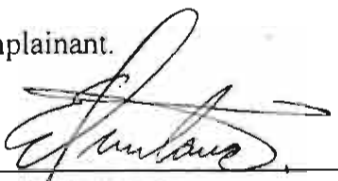
The United States Environmental Protection Agency (EPA) (Complainant) files this Notice of Substitution of Counsel for Complainant.

Please be informed that James Eppers, counsel for Complainant, is no longer counsel for this particular case. Eduardo Quintana succeeds Mr. Eppers as the attorney of record for Complainant in this matter. Mr. Quintana's address and telephone number are set forth below.

Respectfully submitted,
United States Environmental Protection Agency,
Region 8

Complainant.

Date: 10/27/2009

By: 
Eduardo Quintana
Senior Enforcement Attorney
U.S. Environmental Protection Agency
Region 8 (8ENF-L)
1595 Wynkoop St.
Denver, Colorado 80202-1129
Telephone # (303) 312-6924
Facsimile # (303) 312-7519

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 10/28/09, the original and one true copy of Complainant's Notice of Substitution of Counsel was hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent via certified mail to:

Gordon Poppens
dba Gordy's Garage
27096 SD Highway 17
Tea, SD 57064

10/28/09

Date

Judith M. McTernan

By:

Judith M. McTernan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

October 27, 2009

Ref: 8ENF-L

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Gordon Poppens
dba Gordy's Garage
27096 SD Highway 17
Tea, SD 57064

Re: Substitution of Counsel
and December 9 Negotiations
Deadline

Dear Mr. Poppens:

I am writing you this letter to inform you of three important points:

- I am replacing Mr. James Eppers as the Environmental Protection Agency attorney assigned to the complaint filed against you, docket number SDWA-08-2007-0088. Enclosed is a substitution of counsel motion I filed recently.
- My review of the file shows that negotiations between the parties have failed to reach a settlement. I would like to take this opportunity to let you know that we still wish to negotiate a settlement with you. We would like to reach a settlement with you before December 9, 2009.
- A complaint was filed against you on September 17, 2007, and no settlement has been reached. You have not filed an answer to the complaint with the Regional Hearing Clerk as required by 40 C.F.R. § 22.15. Please note that if we are unable to reach a settlement and you do not file an answer with the Regional Hearing Clerk by December 9, 2009, EPA intends to file a motion requesting the Regional Judicial Officer to issue a default judgment order after December 9, 2009 which may result in the imposition of a potentially substantial fine against you. If you wish to file an answer to the complaint, please review 40 C.F.R. § 22.15, and file the answer with the Regional Hearing Clerk.



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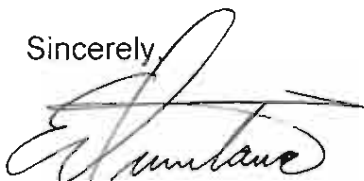
The Regional Hearing Clerk's address is:

U.S. EPA, Region 8
Regional Hearing Clerk
1595 Wynkoop Street
Denver, CO 80202-1129

For your convenience I have enclosed another copy of the complaint with all of its enclosures that EPA sent to you by certified mail on September 17 2007.

EPA prefers to reach a negotiated settlement with you because we are hopeful that through negotiations we could arrive at a penalty amount less than the amount we will request through a default judgment proceeding. The default judgment proceeding is explained in 40 C.F.R. § 22.17, enclosed for your convenience. Please contact me at your earliest opportunity to arrange for a settlement conference.

Sincerely,



Eduardo Quintana
Senior Enforcement Attorney
U.S. Environmental Protection Agency
Region 8 (8ENF-L)
1595 Wynkoop St.
Denver, Colorado 80202-1129
Telephone # (303) 312-6924
Facsimile # (303) 312-7519

Enclosures: Copy of 40 C.F.R §§ 22.15 and 22.17
Cover Letter for Complaint
Complaint, Docket Number SDWA-08-2007-0088
Consolidated Rules of Practice, 40 C.F.R. Part 22
SBREFA Sheet
Public Notice