



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

November 18, 2003

Ref: 8ENF-L

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fred D. Wells, Registered Agent for
Moore Gordon Enterprises, Inc.
28000 Meadow Drive, Suite 108
Evergreen, CO 80439

Re: In the Matter of Moore Gordon Enterprises, Inc.
Quality Rail Service Dyke Avenue Facility, Grand Forks, ND
Docket No. CWA-08-2004-0010
Administrative Complaint and Notice of Opportunity for Hearing

Dear Mr. Wells:

Enclosed is an Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") filed by the U.S. Environmental Protection Agency ("EPA") against Moore Gordon Enterprises, Inc., pursuant to its authority under section 311(b)(6)(B)(ii) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321(b)(6)(B)(ii). EPA alleges in the Complaint that the discharge discovered on Tuesday, April 22, 2003, of approximately 100 gallons (2.5 barrels) of diesel fuel from the Moore Gordon Enterprise (a/k/a "Quality Rail Service") bulk facility ("facility"), located at 1703 Dyke Avenue, Grand Forks, North Dakota, into English Coulee constitutes a violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

The Complaint further alleges that the facility is in violation of the oil pollution prevention requirements set forth at 40 C.F.R. part 112 and section 311(b)(6)(A) of the Act, 33 U.S.C. § 1321(b)(6)(A). Specifically, the Complaint alleges that Moore Gordon Enterprises, Inc., failed to prepare and implement a Spill, Prevention, Control and Countermeasures ("SPCC") plan for the facility in accordance with 40 C.F.R. §§ 112.7 and 112.8 as required by 40 C.F.R. § 112.3. EPA inspected the facility for SPCC compliance on September 23, 2002, at which time the facility was owned and operated by Agri-Valley. Moore Gordon Enterprises, Inc., agreed to remedy the deficient SPCC implementation measures identified by EPA upon



purchasing the facility on or around October 31, 2002. The violations alleged in the Complaint are based on SPCC implementation deficiencies existing and/or continuing as of May 1, 2003. The Complaint proposes a total penalty up to \$33,617 for the alleged CWA section 311(b)(3) and (j) violations.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or the allegations are found to be true after you have had an opportunity for a hearing, you have the right to contest the penalty proposed in the Complaint. A copy of EPA's administrative procedures is enclosed for your review. Please note the requirements for an answer set forth in 40 C.F.R. §§ 22.15 and 22.38. If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file a written answer within thirty (30) days of receipt of the enclosed Complaint with the EPA Regional Hearing Clerk at the following address:

Ms. Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

If you fail to request a hearing, you will waive your right to formally contest any of the allegations set forth in the Complaint. If you fail to file a written answer or pay the proposed penalty within the time limits, a default judgement may be entered pursuant to 40 C.F.R. § 22.17. This judgement may impose the penalty proposed in the Complaint.

Whether or not you request a hearing, you may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty. You have the right to be represented by an attorney at any stage of the proceedings, including any informal discussions with EPA, but it is not required. A request for an informal conference does not extend the thirty (30) day period for filing your Answer and/or requesting a hearing. Public Notice of and reasonable opportunity to comment on the proposed issuance of an order assessing a class II civil penalty is being provided pursuant to section 311(b)(6)(C) of the Act, 33 U.S.C. § 1321(b)(6)(C). If no hearing is held under section 311(b)(6)(B) of the Act, 33 U.S.C. § 1321(b)(6)(B), any person who comments on the proposed penalty assessment may participate in a hearing on the penalty if requested pursuant to section 311(b)(6)(C)(iii) of the Act, 33 U.S.C. § 1321(b)(6)(C)(iii).

If you have any questions, the most knowledgeable people on my staff regarding this matter are Amy Swanson and Jane Nakad. Ms. Swanson is in our Legal Enforcement Program

and can be reached at (303) 312-6906. Ms. Nakad is in our Technical Enforcement Program and can be reached at (303) 312- 6202.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures: Complaint and Notice of Opportunity for Hearing
Consolidated Rules of Practice, 40 C.F.R. Part 22
SBREFA Information Sheet
Notice of SEC Disclosure
Public Notice

cc: Danny Moore, Moore Gordon Enterprises, Inc.
Brad Burgdorff, QRS Director of Safety and Operations Support
Robert Bina, Bulk Plant Facility Manager
Mike Shay, City of Grand Forks Environmental Officer
Tom Geatz, City of Grand Forks Fire Department
Raymond Lambert, State of North Dakota Fire Marshall
Kris Roberts, NDDH

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF)	Docket No. CWA-08-2004-0010
)	
Moore Gordon Enterprises, Inc.)	ADMINISTRATIVE COMPLAINT AND
(d/b/a Quality Rail Service, Inc.))	OPPORTUNITY TO REQUEST HEARING
2801 Youngfield Street, Suite 240)	
Golden, CO 80401)	
)	Proceeding to Assess Class II Civil Penalty
1703 Dyke Avenue)	Under Section 311 of the Clean Water Act
Grand Forks, ND Facility)	
)	
Respondent.)	

AUTHORITY

1. This is a civil administrative action issued under the authority vested in the Administrator of the Environmental Protection Agency ("EPA") by section 311(b)(6)(B)(ii) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1321(b)(6)(B)(ii), as amended by the Oil Pollution Act of 1990. The Administrator has properly delegated this authority to the undersigned EPA official. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules") set forth at 40 C.F.R. part 22, a copy of which is enclosed.

GENERAL ALLEGATIONS

2. Respondent Moore Gordon Enterprises, Inc., (d/b/a "Quality Rail Service, Inc."), is a corporation organized and existing under the laws of the State of Colorado and authorized to do business in North Dakota.

3. Respondent is a "person" within the meaning of sections 311(a)(7) and 502(5) of

the Act, 33 U.S.C. §§ 1321(a)(7) and 1362(5).

4. Since October 31, 2002, Respondent owns and operates a bulk fuel storage and transfer facility (“facility”) station located at 1703 Dyke Avenue, Grand Forks, North Dakota that is used to receive, store and distribute diesel fuel by truck to the Burlington Northern Santa Fe rail yard . The facility includes, but is not limited to, two 17,000 gallon diesel storage tanks.

5. Diesel is an oil within the meaning of “oil” as defined at section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).

6. Respondent stores, transfers, distributes, uses or consumes oil or oil products at the facility.

7. Respondent is an "owner and operator" of an "onshore facility" within the meaning of CWA Sections 311(a)(6) and (10), 33 U.S.C. §§ 1321(a)(6) and (10).

8. The facility is a “non-transportation related” “onshore facility” within the meaning of 40 C.F.R. § 112.2.

9. The facility has a total above-ground oil storage capacity greater than 1,320 gallons.

10. The facility is located adjacent to a city sewer storm drain that discharges into the English Coulee, a perennial stream, approximately one mile west, which flows approximately three and one-half miles north into the Red River.

11. English Coulee, the Red River, and tributaries thereof are “navigable waters” and “waters of the United States” within the meaning of section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1.

12. Section 311(b)(6)(A) of the Act, 33 U.S.C. § 1321(b)(6)(A), states in pertinent

part that any owner, operator, or person in charge of any vessel, onshore facility or offshore facility (i) from which oil or a hazardous substance is discharged in violation of paragraph (3), or (ii) who fails or refuses to comply with any regulation issued under subsection (j) of this section to which that owner, operator, or person in charge is subject, may be assessed a class I or class II civil penalty by ... the Administrator.

13. As alleged herein and pursuant to section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), and 40 C.F.R. § 19.4, Respondent is liable for civil penalties up to \$11,000 per day during which the violation continues, up to a maximum total of \$137,500 for all violations.

COUNT I

14. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil into or upon the navigable waters of the United States and adjoining shorelines in such quantities as may be harmful to the public health or welfare or the environment.

15. To implement section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), EPA has promulgated a regulation, set forth at 40 C.F.R. § 110.3, specifying what quantities of oil may be harmful to the public health or welfare or the environment. That regulation provides that such quantities of oil include discharges that either violate applicable water quality standards, or cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

16. On Wednesday, April 22, 2003, an estimated release of 100 gallons (2.5 barrels) of diesel fuel was discovered at the facility. The release discharged into an adjacent city sewer

storm drain that flowed into the English Coulee and then into the Red River.

17. The spill allegedly occurred on Sunday, April 19, 2003.

18. The exact cause and source of the spill are unknown.

19. Fuel sheen and/or odor was traced in the storm drain six blocks north and seven blocks west.

20. On Thursday, April 23, 2003, fuel sheen and/or odor was located in the wet well of the #97 outfall lift station at the English Coulee and observed coming from the outfall.

21. Respondent's discharge of 100 gallons (2.5 barrels) of diesel fuel from its facility on or about April 19, 2003, caused a film or sheen upon or discoloration of English Coulee and its adjoining shorelines and caused a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines, and therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3 in violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

COUNT II

22. Section 311(j)(1)(C) of the Act, 33 U.S.C. § 1321(j)(1)(C), provides that the President shall issue regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil . . . from vessels and from onshore and offshore facilities, and to contain such discharges"

23. EPA promulgated the oil pollution prevention regulations, set forth at 40 C.F.R. part 112. 40 C.F.R. § 112.1(b) states that the requirements of part 112 apply:

to owners or operators of non-transportation related onshore and offshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products, and which, due

to their location, could reasonably be expected to discharge oil in harmful quantities, as defined in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines...”

24. The facility is a non-transportation onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States (as defined by section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1) or its adjoining shoreline that may either (1) violate applicable water quality standards or (2) cause a film or sheen or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

25. The facility is subject to the oil pollution prevention requirements of 40 C.F.R. part 112, pursuant to section 311(j) of the Act, 33 U.S.C. § 1321(j), and its implementing regulations.

26. 40 C.F.R. § 112.3 requires that owners or operators of onshore and offshore facilities prepare a Spill Prevention, Control, and Countermeasure (“SPCC”) plan in writing, and in accordance with applicable sections of part 112 including, but not limited to, sections 112.7 and 112.8.

27. Section 311(b)(6)(A) of the Act, 33 U.S.C. § 1321(b)(6)(A), states in pertinent part that any owner, operator, or person in charge of any vessel, onshore facility or offshore facility (ii) who fails or refuses to comply with any regulation issued under subsection (j) of this section to which that owner, operator, or person in charge is subject, may be assessed a class I or class II civil penalty by ... the Administrator.

28. On or about September 23, 2002, an authorized EPA inspector entered the facility with the consent of facility former owner and operator, Agri-Valley, to inspect it for

compliance with the CWA and SPCC regulations. A list of the deficient SPCC implementation measures was provided to the facility at that time.

29. Respondent became owner and operator of the facility on October 31, 2002.

30. Respondent was informed by Agri-Valley at the time of purchase of the September SPCC inspection and resulting deficiencies. Respondent agreed to address the SPCC deficiencies identified during the inspection and stated in the Compliance Status Summary issued to Agri-Valley.

31. The facility has a current total oil storage capacity of approximately 34,000 gallons.

32. Respondent prepared a facility SPCC plan in January 2003.

33. On February 24, 2003, EPA reviewed Respondent's facility SPCC plan and found it to be inadequate as follows:

- a. integrity testing of bulk storage containers not addressed;
- b. written procedures for inspections and tests not addressed;
- c. secondary containment structural descriptions for loading/unloading area are contradictory (facility diagram, photographs and written description do not agree);
- d. compatibility of containers with materials stored not appropriately addressed (reference to compatibility made by third-party source rather than current owner/operator);
- e. inadequate discharge prediction; and
- f. removal of oil from diked areas not addressed.

34. The following SPCC implementation measures were found to be deficient as of May 1, 2003:

- a. no secondary containment for loading/unloading rack;
- b. inadequate/compromised secondary containment in bulk fuel storage area due to cracks in the cement containment dike.
- c. facility gates unlocked;
- d. no discharge prevention meetings held; and
- e. no SPCC training of facility personnel.

35. Respondent failed to prepare and implement an SPCC plan in accordance with the regulations at 40 C.F.R. §§ 112.7 and 112.8 as required by 40 C.F.R. § 112.3.

36. Respondent's failure to prepare and implement an SPCC plan for the facility in accordance with the regulations at 40 C.F.R. §§ 112.7 and 112.8 constitutes a violation of 40 C.F.R. § 112.3 and section 311(j)(1)(C), 33 U.S.C. § 1321(j)(1)(C).

PROPOSED CIVIL PENALTY

37. Based on the foregoing Allegations and pursuant to the authority of section 311(b)(6)(B)(ii) of the Act, 33 U.S.C. § 1321(b)(6)(B)(ii), Complainant proposes the assessment of administrative penalties against the Respondent in the amount of \$33,617 as set forth below.

Count I. A penalty of \$11,550.00 is proposed for Respondent's discharge of approximately 100 gallons of diesel fuel into waters of the U.S. from the facility in violation of section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), for a minimum number of 4 days; and

Count II. A penalty of \$22,067 is proposed for Respondent's failure to properly

implement an SPCC Plan at the facility in violation of 40 C.F.R. § 112.3 and section 311(b)(j) of the Act, 33 U.S.C. § 1321(b)(j).

Complainant proposes this penalty amount after considering the applicable statutory penalty factors in section 311(b)(8) of the Act, 33 U.S.C. § 1321(b)(8): Respondent's alleged violations, the seriousness of the violations, the economic benefit to the violator resulting from the violations, the degree of culpability involved, any other penalty for the same incident, any history of prior violations, the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge, the economic impact of the penalty on the violator, and any other factors as justice may require. With regard to the alleged 311(j) violation, the proposed penalty amount is based on Respondent's major non-compliance and moderate environmental impact for a duration of at least 13 months with a moderate degree of culpability. The penalty for the alleged 311(b)(3) violation is based on a moderate degree of environmental impact for a duration of four days with a significant degree of culpability. The spill was not initially reported to the National Response Center, the State of North Dakota or any local agency. With regard to the penalty assessments for both violations, the Respondent did not qualify for any penalty reduction based on mitigation factors or gravity adjustments. No additions were made to the proposed penalty amount for either violation based on a history of violations or economic benefit.

TERMS OF PAYMENT FOR QUICK RESOLUTION

38. If Respondent does not contest the findings and penalty proposal set out above, this action may be resolved by paying the proposed penalty in full pursuant to 40 CFR § 22.18. If such payment is made within 30 calendar days of receipt of this Complaint, no Answer need be

filed. For more time for payment, Respondent may file a statement agreeing to pay the penalty within 30 days of receipt of the Complaint, then pay the money within 60 days of such receipt. Payment is to be made by sending a cashier's or certified check payable to "Oil Spill Liability Trust Fund," with the docket number and name of the facility written on the check, to:

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

39. Payment of the penalty in this manner does not relieve Respondent of its obligation to comply with the requirements of the statute and regulations. Payment of the penalty in this manner shall constitute consent by Respondent to the assessment of the proposed penalty and a waiver of Respondent's right to a hearing on this matter.

OPPORTUNITY TO REQUEST A HEARING

40. As provided in the Act, a Respondent has the right to a public hearing to contest this Complaint. If you (1) contest the factual claims made in this Complaint; (2) contest the appropriateness of the proposed penalty; and/or (3) assert that you are entitled to judgment as a matter of law, you must file a written answer in accordance with section 22.15 and 22.38 of the Consolidated Rules within 30 calendar days after receipt of this Complaint. Your answer must (1) clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with regard to which you have knowledge; (2) state circumstances or arguments which are alleged to constitute grounds for defense; (3) state the facts you dispute; (4) the basis for opposing the proposed relief; and (5) specifically request an administrative hearing, if desired. Failure to admit, deny, or explain any material factual allegation in this Complaint will

constitute an admission of the allegation.

The answer and one copy must be sent to:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

and a copy must be sent to the following attorney:

Amy Swanson, Enforcement Attorney (8ENF-L)
U.S. EPA Region 8, Legal Enforcement Program
999 18th Street, Suite 300
Denver, CO 80202-2466
Telephone: (303) 312-6906

IF YOU FAIL TO REQUEST A HEARING, YOU WILL WAIVE YOUR RIGHT TO FORMALLY CONTEST ANY OF THE ALLEGATIONS SET FORTH IN THE COMPLAINT.

IF YOU FAIL TO FILE A WRITTEN ANSWER OR PAY THE PROPOSED PENALTY WITHIN THE 30 CALENDAR DAY TIME LIMIT, A DEFAULT JUDGMENT MAY BE ENTERED PURSUANT TO 40 C.F.R. § 22.17. THIS JUDGMENT MAY IMPOSE THE PENALTY PROPOSED IN THE COMPLAINT.

PUBLIC NOTICE

41. Pursuant to section 311(b)(6)(C) of the Act, 33 U.S.C. § 1321(b)(6)(C), the Complainant is providing public notice of and reasonable opportunity to comment on this proposed issuance of a Final Order assessing administrative penalties against you. If a hearing is held on this matter, members of the public who submitted timely comments on this proceeding have the right under section 311(b)(6)(C) of the Act, 33 U.S.C. § 1321(b)(6)(C), to be heard and present evidence at the hearing.

SETTLEMENT CONFERENCE

42. The EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the Act and applicable regulations and is willing to explore this possibility in an informal settlement conference. If you or your attorney, if you choose to be represented by one, have any questions or wish to have an informal settlement conference with EPA, please call Amy Swanson at (800) 227-8917, extension 6906, or (303) 312-6906. Please note that a request for, scheduling of, or participation in a settlement conference does not extend the period for filing an answer and request for hearing as set out above. The settlement process, however, may be pursued simultaneously with the administrative litigation procedures found in the Consolidated Rules. If a settlement can be reached, its terms must be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Regional Judicial Officer.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**
Complainant.

Date: 11/17/03

SIGNED

Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Date: 11/17/03

SIGNED

Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8
999 18th Street, Suite 300 (8ENF-L)
Denver, CO 80202-2466
Colorado Atty. Reg. No. 26488
Telephone: 303/312-6906
Facsimile: 303/312-6953

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING was hand-carried to the Regional Hearing Clerk, EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado, and that a true copy of the same was sent via certified mail to:

Fred D. Wells, Registered Agent for
Moore Gordon Enterprises, Inc.
28000 Meadow Drive, Suite 108
Evergreen, CO 80439

11/18/03
Date

SIGNED
Judith McTernan

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
999 18th Street, Suite 300, Denver, CO 80202-2466**

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: EPA is providing notice of a proposed administrative penalty assessment and the opportunity to comment on the proposed assessment (complaint) for alleged violations of the Clean Water Act/Oil Pollution Act.

Summary: EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the CWA and implementing regulations, after providing the person subject to the penalty notice and opportunity for a hearing, and after providing the public with notice of the proposed penalty, opportunity to submit written comments and to participate in a Class II penalty proceeding, if any. The deadline for submitting public comment is thirty days after issuance of this notice.

On November 18, 2003, EPA commenced a civil administrative action by filing a complaint against the Respondent identified below, alleging violations of the CWA and its regulations. Pursuant to Section 311(b)(6)(C) of the CWA, EPA hereby notifies the public of this proposed penalty assessment:

In the matter of: Moore Gordon Enterprises, Inc.
 (d/b/a Quality Rail Service, Inc.)
 1703 Dyke Avenue
 Grand Forks, ND

EPA Docket Number: CWA-08-2004-0010

Proposed penalty in the Complaint: \$33,617

Alleged violations:

Discharge of approximately 100 gallons of diesel into waters of the U.S. and adjoining shorelines beginning April 19, 2003, and continuing at least until April 23, 2003 in violation of Section 311(b)(3) of the CWA.

Failure to prepare and implement a Spill Prevention Control and Countermeasure Plan in accordance with 40 C.F.R. §§ 112.7 and 112.8 as required by 40 C.F.R. § 112.3, regulations issued under Section 311(j) of the CWA.

Submit written comments to: Tina Artemis
 Regional Hearing Clerk (8RC)
 EPA Region 8
 999 18th Street, Suite 300
 Denver CO 80202-2466
Telephone: (303) 312-6765.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, the Complaint, the proposed Consent Agreement, or other documents in this

proceeding, or to comment upon the proposed penalty assessment, or any other aspect of the matter, should contact the Regional Hearing Clerk identified above. The administrative record for the proceeding is located in the EPA Region 8 Hearing Clerk Office identified above and the file will be open for public inspection during normal business hours. No action will be taken by EPA to finalize a settlement in this matter until 30 days after this public notice.

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON NOVEMBER 18, 2003.