



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ref: 8ENF-L

Douglas Rohrer
13571 State Highway 200, RR #2
Fort Shaw, MT 59443

Ken Rohrer
345 Creekside Ln.
Helmville, MT 59843

SEP 28 2007

Re: Notice of Violation of Findings of
Violation and Administrative Order
for Compliance, Docket No. CWA-
08-2007-0010

Dear Messrs. Rohrer:

This letter is to notify you that the United States Environmental Protection Agency ("EPA") has determined that you are in violation of the above-referenced Order (the "Order"). As set forth in paragraph 5 of Section III of the Order, you were required to submit a restoration plan to EPA for review and comment within 60 calendar days of receipt of the Order. You received the Order on June 8, 2007; therefore, the 60-day period expired on August 7, 2007. To date, EPA has not received the required restoration plan.

By letter dated June 15, 2007, your attorney, Jon S. McCarty, requested that all deadlines in the Order be held in abeyance until EPA had the opportunity to fully consider your position with regard to the ditches constructed on your property in Powell County, Montana. On July 10, 2007, Mr. McCarty received EPA's written response, which explained that EPA had reviewed the information provided but continues to believe that construction of the ditches violated the Clean Water Act ("CWA"). EPA's response further required each respondent named in the Order to notify EPA in writing of his/its intent to fully comply with the Order within five days of receipt of EPA's letter. EPA timely received those notifications. EPA's letter of July 9, 2007, did not extend any other deadlines in the Order. However, even if the date of receipt of EPA's response to Mr. McCarty's letter is used as the commencement of the 60-day period in which to submit the restoration plan, the plan is overdue.

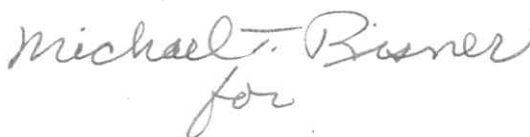


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EPA is extremely concerned with the delay in preparation of the required restoration plan. Please be reminded that, as stated in paragraph 16 of Section III of the Order, section 309(d) of the CWA, 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$32,500 per day for each violation of an order issued by the Administrator of EPA under section 309(a) of the CWA, 33 U.S.C. § 1319(a). Paragraph 16 of the Order also sets forth information on additional enforcement mechanisms available to EPA for violations of the CWA.

Due to the serious legal ramifications of non-compliance with the Order, I urge your prompt attention to this matter. If you have any questions concerning this letter, please contact Monica Heimdal, Enforcement Officer, at 303-312-6359. You or your attorney may also direct legal questions to Wendy Silver, Senior Attorney, at 303-312-6637.

Sincerely,

Handwritten signature of Michael T. Bisner in cursive script, with the word "for" written below it.

Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

cc: Jon S. McCarty, Esq., Scott, Tokerud & McCarty (certified mail)
Tina Artemis, EPA, Regional Hearing Clerk
David L. Lagrone, U.S. Army Corps of Engineers
Allan Steinle, U.S. Army Corps of Engineers