

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8 1595 WYNKOOP STREET DENVER, CO 80202-1129

Phone 800-227-8917 http://www.epa.gov/region08 2014 APR 23 PM 12: 58

EPA REGION VIII HEARING OF ERK

DOCKET NO.: CWA-08-2014-0021

IN THE MATTER OF:	3
CENTRAL TRENCHING, INC. 5200 7 TH Avenue SW	ORDER TO RESCIND
Minot, ND 58701	Š
RESPONDENT	3

On April 10, 2014, Complainant filed a Combined Complaint and Consent Agreement (CCCA) in the above matter. On April 10, 2014, I signed a Final Order approving and incorporating by reference the CCCA signed by the parties. It came to my attention, after signing the Final Order, that notice of opportunity to comment on this matter is required pursuant to section 309 (g)(4) of the Clean Water Act, 33 U.S.C. § 1319(g)(4) and 40 C.F.R. §22.45. The Agency must notify the public and allow for comments before assessing a civil penalty. Such notice shall be provided no less than 40 days before the issuance of a final order assessing a civil penalty. 40 C.F.R. §22.45. Therefore, signature of the Final Order on April 10, 2014 was premature.

By this Order, I rescind the April 10, 2014 Final Order allowing for the full notice and comment period to occur.

It is so ORDERED this 23 day of April, 2014.

Elyana **N**Sutin

Regional Judicial Officer

U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER TO RESCIND** in the matter of **CENTRAL TRENCHING, INC.**; **DOCKET NO.**: **CWA-08-2014-0021** was filed with the Regional Hearing Clerk on April 23, 2014.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Peggy Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were resent and placed in the United States mail certified/return receipt and emailed on April 23, 2014 to:

Mr. William Houim, President Central Trenching, Inc. 5200 7th Ave, SW Minot, ND 58701 jschell@centraltrenching.com

And emailed to:

Kim White U. S. Environmental Protection Agency Cincinnati Finance Center 26 W. Martin Luther King Drive (MS-0002) Cincinnati, Ohio 45268

April 23, 2014

Jina Oclemus Tina Artemis

Paralegal/Regional Hearing Clerk