



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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HEARING CLERK

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**MEMORANDUM**

**SUBJECT:** In the Matter of Knife River Corporation – North Central  
Docket No. CWA-08-2015-0023  
Combined Complaint and Consent Agreement

**FROM:** Suzanne Bohan, Assistant Regional Administrator  
Office of Enforcement, Compliance and Environmental Justice

**TO:** Honorable Elyana R. Sutin, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice (ECEJ) is transmitting a combined complaint and consent agreement (CCCA) in the above-referenced matter. We request that you issue a final order approving it, subject to the public notice and comment provisions described below.

The EPA has taken this action under the authority of section 309(g)(1)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g)(1)(A). In the CCCA, the EPA alleges that Knife River Corporation – North Central (Knife River) violated various requirements relating to the terms of the construction general permit for storm water discharge at a site known as the US HWY 85 Watford City Bypass in Watford City, North Dakota, in violation of 33 U.S.C. § 1342 of the CWA. Specifically, the EPA alleges that Knife River failed to develop a Storm Water Pollution Prevention Plan and site map for a concrete/asphalt batch plant and failed to properly install some of the storm water best management practices. Upon consideration of the factors set forth in 33 U.S.C. § 1319(g)(3), the EPA has determined that a civil penalty in the amount of \$23,850.00 is appropriate to settle this matter. The proposed settlement is consistent with applicable settlement penalty policies.

The EPA issued a public notice of this proposed settlement on August 5, 2015, pursuant to section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4). ECEJ requests that you defer signature on any final order to allow for ECEJ to address any comments that may have been submitted during the public comment period. ECEJ will notify you when the public comment period has closed. ECEJ has also conferred with the North Dakota Department of Health regarding this proposed settlement.

Knife River is represented by Nancy Quattlebaum Burke, Grant Plant Mooty, 500 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402. Her telephone number is (612) 632-3029, and her email address is [nancy.burke@gpmlaw.com](mailto:nancy.burke@gpmlaw.com).

The EPA attorney for this matter is Abigail Dean, Enforcement Attorney, at (303) 312-6106.

cc: Nancy Quattlebaum Burke



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