



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-L

SEP 29 2010

CERTIFIED MAIL#:
RETURN RECEIPT REQUESTED

Shirley Redland
88 Redland Ranch Lane
Hysham, MT 59038

Re: Findings of Violation and Administrative
Order for Compliance
Docket No. **CWA-08-2010-0033**

Dear Ms. Redland:

On February 1, 2010, the United States Environmental Protection Agency (EPA) inspected the feedlot located at 88 Redland Ranch Lane in Hysham, Montana (the facility). A copy of the report from the inspection (report) is enclosed. Please pay special attention to the Summary of Findings section of the report. Please note that the EPA inspectors discussed their observations and concerns during the exit interview.

Also enclosed is an EPA Region 8 administrative order (order) that alleges that the facility proposes to discharge pollutants to waters of the United States as it is designed, constructed, operated, or maintained such that a discharge of pollutants to the Yellowstone River will occur, in violation of § 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311. The order therefore requires, among other things, that you either apply to the Montana Department of Environmental Quality (MDEQ) for a national pollutant discharge elimination system (NPDES) permit, or take certain steps to prevent the discharge of pollutants from the facility to waters of the United States. EPA's authority for such action is provided under § 309(a) of the CWA, 33 U.S.C. § 1319(a), which authorizes the Administrator of the EPA to issue an order to any person found to be in violation of § 301 of the CWA, among others. The enclosed order is also issued pursuant to § 308(a) of the CWA, 33 U.S.C. § 1318(a), which authorizes the EPA to require, among other things, reports and information to carry out the objectives of the CWA.

The CWA requires the EPA to take all appropriate enforcement action necessary to secure prompt compliance with the CWA and any order issued thereunder. Section 309 of the CWA, 33 U.S.C. § 1319, authorizes civil judicial penalties for violating an order issued under § 309(a) of the CWA. The CWA authorizes a variety of possible enforcement actions for noncompliance with the CWA, including civil or criminal actions, administrative penalty actions, and, in some cases following a criminal conviction, debarment from Federal contracts and/or loans. Additionally, EPA may take an enforcement action if the enclosed order is violated. Please also be advised that the issuance of this

order does not preclude any civil lawsuit, criminal prosecution, or administrative penalty assessment for the violations cited in the Order or for any other violations of the CWA.

If your business is a small entity, you may find the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet useful. It contains information on compliance assistance resources and tools available to small entities. SBREFA does not eliminate the responsibility to comply with the Order or the CWA.

Please review the report and the order carefully and ensure that all of the requirements in these documents are fully and timely completed. If you have any questions, the most knowledgeable people on my staff are Wendy Silver, Enforcement Attorney, at 303-312-6637 and Seth Draper, Environmental Scientist, at 303-312-6763. We urge your prompt attention to this matter.

Sincerely,



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

- Enclosures: 1) Inspection Report, Photo Log, 3560 Form, Summary of Findings
2) Administrative Order for Compliance
3) SBREFA Information Sheet
4) SPCC Guidance

cc: Kari Smith, MDEQ



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