



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

JUL 11 2011

CERTIFIED MAIL: 70041350000156692191
RETURN RECEIPT REQUESTED

Mr. Dale Little Soldier, President
Lake Sakakawea & Associates, LLC
3765 Highway 1806
Mandan, ND 58554-8240

Re: Administrative Complaint and Notice of Opportunity for Hearing under Section 309(g) of the Clean Water Act

Dear Mr. Little Soldier:

Enclosed is a United States Environmental Protection Agency Region 8 (EPA) Administrative Complaint and Notice of Opportunity for Hearing (Complaint) issued to Lake Sakakawea & Associates, LLC, under § 309(g) of the Clean Water Act (Act), 33 U.S.C. § 1319(g), for alleged violations of the Act and the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities at the construction site formerly selected for the Eagle Catch Casino and Resort within the exterior boundaries of the Fort Berthold Indian Reservation.

The Complaint proposes the assessment of administrative penalties against Lake Sakakawea & Associates, LLC, in the amount of \$84,000. This proposed penalty amount is based on consideration of the applicable statutory penalty factors in § 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), including the nature, circumstances, extent and gravity of the violation(s); the violator's ability to pay; any history of prior violations; the degree of culpability; any economic benefit to the violator resulting from the violations; and other factors as justice may require.

Lake Sakakawea & Associates, LLC, has the right to a hearing to contest the factual allegations in the Complaint. A copy of the procedures for such a hearing is enclosed for review. Please note the requirements for an answer set forth in 40 C.F.R. §§ 22.15 and 22.38. **If Lake Sakakawea & Associates, LLC, wishes to contest the allegations or the penalties proposed in the Complaint, it 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
1595 Wynkoop Street
Denver, CO 80202-1129

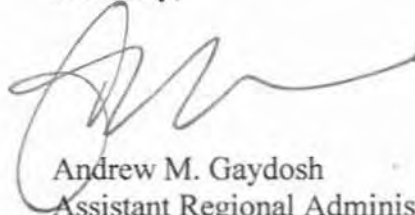
If Lake Sakakawea & Associates, LLC, does not file an answer by the applicable deadline, it may be found in default. A default judgment may impose the full penalty proposed in the Complaint.

Whether or not Lake Sakakawea & Associates, LLC, requests a hearing, it may confer informally with EPA concerning the alleged violations or the proposed penalty amount. However, please note that a request for an informal conference does **not** extend the thirty (30) day period for filing an answer and/or requesting a hearing. Lake Sakakawea & Associates, LLC, has the right to be represented by an attorney at any stage of the proceedings, including any informal discussions with EPA, but this is not required.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, relating to the SBREFA, outlining compliance assistance resources available to small businesses and small governments in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Act.

If Lake Sakakawea & Associates, LLC, has any questions regarding the Complaint, the most knowledgeable people on my staff regarding these matters for legal and technical issues, respectively, are Amy Swanson, Enforcement Attorney, at (303) 312-6906, and Natasha Davis, NPDES Enforcement Unit, at (303) 312-6225.

Sincerely,



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

Enclosures

cc: Dave Glatt, NDDH Environmental Health Chief
Lyle Latimer, Mercer County Board of Commissioners
Tex Hall, Three Affiliated Tribes Chairman
Joe Gilles, Three Affiliated Tribes Environmental Director
Tina Artemis, EPA Region 8 Hearing Clerk

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the preceding **Administrative Complaint and Notice of Opportunity for Hearing** were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202, and that a true copy of the same was hand-carried to the following by the undersigned EPA representative:

Mr. Dale Little Soldier, President
Lake Sakakawea & Associates, LLC
3765 Highway 1806
Mandan, ND 58554-8240

Remailed
Date: 7/11/2011

By: Judith M. McTernan