



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
#7008-3230-0003-0731-3705

John A. Porter
10 Creek Lane
Cody, Wyoming 82414

Re: Approval - Mitigation and Monitoring
Proposal, Cody, WY

Dear Mr. Porter:

This letter concerns the Restoration Plan (Plan) required by the U.S. Environmental Protection Agency's (EPA) administrative order (Order), Docket No. CWA-08-2009-0003, issued to you on December 29, 2008. Pursuant to the Order, and after consultation with the U.S. Army Corps of Engineers (Corps), EPA is granting approval of the Mitigation and Monitoring Proposal as modified and resubmitted on February 11, 2010, by Steady Stream Hydrology, Inc. As identified in the Plan, 0.40 acres of stream channel and 0.21 acres of wetlands will be restored and 0.29 acres of wetlands will be created.

In accordance with paragraphs 30 and 31 of Section III of the Order, you must obtain all necessary permits to implement the EPA-approved Plan. In order to demonstrate that all necessary permits have been granted, please provide complete copies of all such permits (and any amendments thereto) to EPA within seven (7) calendar days of their issuance. Construction may proceed upon receipt of written verification from the Corps that the work is authorized under Section 404 of the Clean Water Act, and submittal to EPA of copies of all other applicable permits. The EPA-approved Plan is now incorporated into the Order and enforceable in accordance with the terms and conditions of the Order.

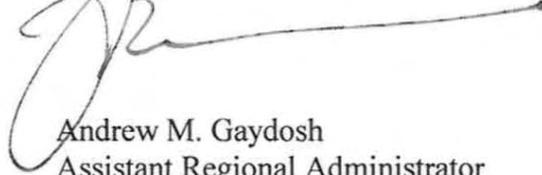
EPA appreciates your efforts to develop a Plan that adequately addresses the Clean Water Act violations. Please inform EPA immediately if there are any substantive changes in the designs or plans for the project or if you anticipate any problems meeting any conditions of the EPA-approved Plan. If you have any technical questions regarding this matter, the most knowledgeable person on my staff is Kenneth Champagne, Section 404 Enforcement Officer,



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who can be reached at (303) 312-6608. Any legal questions should be directed to Sheldon Muller, EPA Attorney, at 303-312-6916. EPA looks forward to completion of the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew M. Gaydosh', with a long horizontal flourish extending to the right.

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

cc: Cheryl Harrelson, Steady Stream Hydrology, Inc.
David L. LaGrone, U.S. Army Corps of Engineers
Matthew A. Bilodeau, U.S. Army Corps of Engineers

