



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-W-NW

March 24, 2021

March 24, 2021
12:40 PM

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Received by

EPA Region VIII

Hearing Clerk

Mr. Scott Wagner, Registered Agent
Leigh Marie, LLC
15165 Washington St.
Broomfield, CO 80023

Re: Status of Restoration – Administrative Order on Consent,
EPA Docket No. CWA-08-2014-0023

Dear Mr. Wagner:

As you are aware, in June of 2014, you as an individual and on behalf of Leigh Marie, LLC entered into an Administrative Order on Consent (AOC) with the U.S. Environmental Protection Agency, which is enclosed for your reference. Under the AOC, you agreed to submit a plan to the EPA describing how you would restore the portions of Hot Springs Creek and adjacent wetlands described in the AOC. You submitted a plan and revised it in response to the EPA's comments. By letter dated August 27, 2014, the EPA approved the plan, as revised and submitted on August 6, 2014. The plan was prepared by Western Lands – Ranch Restoration Services.

The EPA and the U.S. Army Corps of Engineers have no record of having received any monitoring reports or status reports indicating that restoration was completed as required by the AOC.

This information suggests that you may continue to be in violation of the Clean Water Act (the Act). The EPA invites you to discuss this matter further before the EPA makes a formal determination that violations have continued or before the EPA proceeds with any further enforcement under the Act. It would be particularly helpful if you could provide any relevant information you believe EPA may not have considered, especially if this information indicates restoration has occurred and has been successful. Please submit information on the progress of restoration at the site in accordance with your approved restoration plan and the AOC. Photographs of current site conditions would be particularly helpful.

If you have any questions or comments, or if you would like to submit any information to EPA, please contact the following individual within 30 days of your receipt of this letter:

Barbara Conklin
Conklin.Barbara@epa.gov
(303) 312-6619

At the time you entered into the AOC, you were represented by Robert Hogan. We do not know if you are currently represented by counsel in this matter. If you are represented by an attorney, and if the attorney has questions, please ask him or her to contact Peggy Livingston, Senior Assistant Regional Counsel, at 303-312-6858 or livingston.peggy@epa.gov.

Due to the COVID-19 outbreak, we would expect any meetings in the near future to be held by conference call. We acknowledge the COVID-19 pandemic may be impacting you. If this is the case, we will consider your specific circumstances in determining an appropriate timeline for responding to this letter, while still ensuring compliance as expeditiously as possible.

Sincerely,

**MICHAEL
BOEGLIN**

Digitally signed by MICHAEL
BOEGLIN
Date: 2021.03.24 06:23:52
-06'00'

Michael Boeglin, Chief
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

Enclosure

cc: Sue Nall, U.S. Army Corps of Engineers
Tom Roberts, Western Lands