



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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MAR 17 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7008-3230-0003-0731-3682

Peak-to-Peak Financial, LLC
c/o Gary Copperud, Registered Agent
1234 Trappers Point
Fort Collins, CO 80524

Re: Notice of Violation of Administrative Order
for Compliance,
Docket No. **CWA-08-2009-0002**

Dear Mr. Copperud:

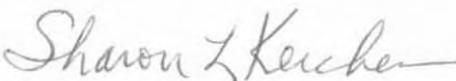
On December 11, 2008, the United States Environmental Protection Agency (EPA) issued a findings of violation and order for compliance (Order) to Peak-to-Peak Financial, LLC (Peak-to-Peak), which describes actions necessary to achieve compliance with the Clean Water Act (CWA). The Order was issued to address discharges of dredged or fill material into wetlands adjacent to Dry Creek on Peak-to-Peak's property without authorization under the CWA. The CWA requires that a permit be obtained from the United States Army Corps of Engineers (Corps) prior to the discharge of pollutants (i.e., dredged or fill material) into waters of the United States.

As a result of Peak-to-Peak's failure to meet the requirements set forth in Section III of the Order, EPA has determined that it is in violation of the Order. As noted in our letter accompanying the Order, the CWA authorizes, among other things, civil judicial penalties for violation of an administrative order, and civil or criminal actions and administrative penalties for violations of the CWA. Specifically, § 309 of the CWA, 33 U.S.C. § 1319, authorizes civil penalties of up to \$32,500 per day for each violation which occurred before January 12, 2009, and up to \$37,500 per day for each violation thereafter of § 301 of the CWA, 33 U.S.C. § 1311, and for each violation of an order issued by the Administrator of EPA under § 309(a) of the CWA, 33 U.S.C. § 1319(a). Unfortunately, Peak-to-Peak's refusal to comply with the Order leaves EPA with increasingly limited options. Please be advised that EPA intends to pursue additional enforcement for Peak-to-Peak's non-compliance with the terms of the Order and the CWA, which may include referring this matter to the Department of Justice, unless immediate actions are taken to comply with the Order, including submittal of the required revised restoration plan to EPA.



We urge your prompt attention to this matter. If you have any questions, the most knowledgeable people on my staff are Wendy Silver, Senior Enforcement Attorney, at 303-312-6637, and Kenneth Champagne, Section 404 Enforcement Officer, at 303-312-6608.

Sincerely,

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

cc: David LaGrone, U.S. Army Corps of Engineers
Timothy T. Carey, U.S. Army Corps of Engineers
Ric Hattman, Hattman Associates
Tina Artemis, EPA, 8RC

