

IN THE MATTER OF:	Docket No. CWA-08-2026-0005
Loeffler Construction Consulting, LLC	EXPEDITED SETTLEMENT AGREEMENT
Respondent	

On June 2, 2025, authorized representatives of the United States Environmental Protection Agency (EPA) conducted an inspection of Porcupine District Government Building (Site), located in Porcupine, South Dakota, within the exterior boundaries of the Pine Ridge Reservation, to evaluate compliance with applicable Clean Water Act (Act) and National Pollutant Discharge Elimination System (NPDES) requirements. This Site was at all relevant times operated by Loeffler Construction Consulting, LLC (Respondent). The purpose of the inspection was to evaluate Respondent's compliance with the NPDES permit applicable to the Site, EPA NPDES Construction General Permit for Stormwater Discharges from Construction Activities (Project-specific NPDES ID SDR10I03K).

As a result of the inspection, the undersigned EPA Complainant found that Respondent, a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), failed to comply with the conditions or limitations of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

By signing this Expedited Settlement Agreement (Agreement), Respondent:

- (1) certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations set forth in the Violations Form have been corrected; and
- (2) consents to the assessment of a penalty in the amount of **\$15,780**.

Respondent shall pay a civil penalty in the amount of **\$15,780** within 30 days after an executed version of the final order (Final Order) ratifying this Agreement is filed with the Regional Hearing Clerk for EPA Region 8 (Filing Date), unless otherwise specified in the Final Order. Respondent shall make payment in the amount stated above using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Within 24 hours of payment, Respondent shall also email proof of payment to each of the following:

rustad.brit@epa.gov

and

r8_hearing_clerk@epa.gov

and

CINWD_acctsreceivable@epa.gov

The term "proof of payment" means, as applicable, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

Consistent with section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement is subject to 40 C.F.R. part 22. This Agreement and the Final Order will commence and conclude this proceeding pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). Respondent's compliance with this Agreement and the Final Order will resolve only the federal civil penalty claims for the specific violations alleged in the Violations Form, up to June 2, 2025. The EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal statutes or regulations to enforce the provisions of this Agreement and the Final Order. This Agreement and the Final Order do not constitute a waiver, suspension or modification of the requirements of the Act, or any regulations promulgated or permit issued thereunder, and they do not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent neither admits nor denies the allegations set forth above, but Respondent admits that the EPA has jurisdiction over this matter under section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. part 22. For the purposes of this proceeding, Respondent waives (i) any right to contest the allegations in the Violations Form, (ii) any right to appeal or challenge the lawfulness of the Final Order.

Before this Agreement is submitted to the Regional Judicial Officer or Regional Administrator for approval, the EPA will provide public notice of this Agreement and a reasonable opportunity to comment on the matter, under section 309(g)(4) of the Act, 33 U.S.C. §§ 1319(g)(4), and 40 C.F.R. § 22.45. Complainant may modify or withdraw his or her consent to this Agreement if comments received disclose facts or considerations indicating this Agreement is inappropriate, improper, or inadequate, or if a hearing is requested under section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C).

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Agreement and to bind Respondent to it. Complainant agrees to accept Respondent's digital or original signature on this Agreement.

Complainant and Respondent consent to service of this Agreement and the Final Order at the following valid e-mail addresses: dean.abigail@epa.gov (for Complainant), and JCRAMER@LOEFFLERCONSTRUCTION.COM (for Respondent). Respondent agrees that this e-mail address and any other address for Respondent provided to the Regional Hearing

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Clerk in connection with this proceeding may be made public when this Agreement, the Final Order, and any related Certificate(s) of Service are filed or uploaded to a searchable database.

SIGNATURE BY RESPONDENT

Loeffler Construction Consulting, LLC:



Signature 2/11/26
Date

Name and Title (print):

JON CRAMER , PRESIDENT

Mailing Address:

9202 202nd ST W #100

LAKEVILLE, MN 55044

E-mail Address:

JCRAMER@LOEFFLERCONSTRUCTION.COM

Telephone:

952 - 955 - 9119

SIGNATURE BY EPA COMPLAINANT:

Emilio Llamozas, Supervisor Date
NPDES and Wetlands Enforcement Section
Water Enforcement Branch
Environment and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202
llamozas.emilio@epa.gov
(303) 312-6407

FINAL ORDER

More than 40 days have elapsed since the issuance of public notice of the foregoing Agreement, and the EPA has received no comments concerning this matter. Pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), the foregoing Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with the Agreement. This Final Order will be effective and final 30 days after the Filing Date.

Regional Judicial Officer

Date