



FILED

Apr 21, 2026

3:26 pm

U.S. EPA REGION 8
HEARING CLERK

CWA-08-2026-0005

Public Notice: Proposed Settlement with Loeffler Construction Consulting, LLC for Clean Water Act Violations in South Dakota

Publish Date: February 23, 2026

Summary

EPA is providing notice of an opportunity for the public to comment on a proposed Expedited Penalty Action and Consent Agreement (Consent Agreement) against Loeffler Construction Consulting, LLC (Loeffler). In the Consent Agreement, EPA alleges Loeffler has violated the Clean Water Act (CWA) by failing to comply with a National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities (Project-specific NPDES ID SDR10I03K) at the Porcupine District Government Building construction site located in **Porcupine, South Dakota, within the exterior boundaries of the Pine Ridge Reservation.**

How to Comment

Comments Due:

March 25, 2026

Please submit comments to:

Kate Tribbett (8ORC-10)

Regional Hearing Clerk
r8_hearing_clerk@epa.gov

Telephone: (303) 312-6661

Comments must include the commentor's name and complete mailing

Background

EPA has alleged that Loeffler violated permit requirements by, for example:

1. failing to have records available at the time of the inspection,
2. failing to provide a complete Stormwater Pollution Prevention Plan,
3. failing to perform and/or adequately document all required inspections,
4. failing to document all requirements on the site sign,
5. failing to implement control measures along down gradient sides of the site,
6. failing to implement control measures within 50' of a receiving water,
7. failing to implement tracking controls,
8. failing to implement stockpile controls,
9. failing to contain leaking vehicle, and
10. failing to properly store/handle all pollutants.

Under the proposed Consent Agreement, Loeffler has agreed to pay a civil administrative **penalty of \$15,780** to resolve its civil penalty liability for these alleged violations.

The addresses of EPA and Loeffler are listed below:

Complainant

EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. EPA Region 8's NPDES and Wetlands Section, NPDES and Wetlands Section Supervisor, is identified in the Consent Agreement as the Complainant.

address as well as a statement that the comment submitter wishes to participate in any future proceedings in this matter.

Please also reference EPA Docket Number: **CWA-08-2024-0007** in your comments.

Respondent

Loeffler Construction Consulting, LLC, 9202 202nd St W #100, Lakeville, MN 55044.
Loeffler is identified in the Consent Agreement as the Respondent.

EPA is authorized in a Class I proceeding under Section 309(g) of the CWA <<https://epa.gov/cwa-404/clean-water-act-section-309-federal-enforcement-authority>>, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of the CWA and its implementing regulations, after providing: (1) an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and (2) notification to the public of the proposed penalty and its rights to submit written comments and to participate in a Class II penalty proceeding (hearing), if any.

Public Comments

EPA encourages the public to comment on the proposed Consent Agreement. The proposed Consent Agreement will be available for public review for a comment period of 30 days after the publication of this notice. After the close of this comment period, EPA will, if appropriate in view of any comments received, file the proposed Consent Agreement and seek entry of an order approving the Consent Agreement. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (40) days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3) <<https://epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties-1>>. The proposed Consent Agreement is available for review by contacting the Regional Hearing Clerk listed in the How to Comment box on this page.

For Further Information

Persons wishing to receive a copy of the Consent Agreement, or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for any hearing), or to comment upon the proposed penalty assessment, should contact the Regional Hearing Clerk listed in the How to Comment box on this page.

Docket Numbers

- CWA-08-2026-0005

Permit Number: NPDES ID SDR10I03K

Last updated on February 23, 2026