



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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HEARING CLERK

JUL 23 2014

Ref: 8ENF-W

CERTIFIED MAIL #7009 3410 0000 2596 5203

Aleta Powers
ERO Resources Corporation
P.O. Box 932
Hotchkiss, CO 81419

Re: Bianco Restoration Plan Approval, Administrative Order for Compliance
Docket No. CWA-08-2013-0032

Dear Ms. Powers:

The U.S. Environmental Protection Agency (EPA) has reviewed the June 27, 2014, second revised restoration plan prepared on behalf of James and Kay Bianco that addresses impacts to the East Inlet of Grand Lake and its adjacent wetlands resulting from constructing a dike and grading wetlands on property located in the northwest quarter of section 9, Township 3 North, Range 75 West, Grand County, Colorado. The restoration plan was prepared by ERO Resources Corporation in response to the EPA's September 24, 2013, administrative order for compliance (AO) referenced above. The EPA is pleased to inform you that its March 20 and April 23, 2014, comments on prior drafts of the restoration plan have been fully addressed. Therefore, this letter shall serve as confirmation of EPA's approval of the second revised restoration plan (Approved Restoration Plan).

As a reminder, the Biancos are required by the AO and the Approved Restoration Plan to consult with the U.S. Army Corps of Engineers (Corps) and the Colorado Department of Public Health and Environment (CDPHE) at the addresses and telephone numbers below to determine if any work to be performed pursuant to the AO and the Approved Restoration Plan, as well as any fill that is to remain in place, requires a permit from the Corps under section 404 of the Clean Water Act (CWA) or from the CDPHE under section 402 of the CWA.

U.S. Army Corps of Engineers
Colorado West Regulatory Branch
400 Rood Avenue, Room 224
Grand Junction, CO 81501
Telephone: 970-243-1199



Colorado Department of Public Health and Environment
Water Quality Control Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Telephone: 303-692-3500

If permits are required from the Corps and/or the CDPHE, they must be obtained and copies provided to the EPA prior to initiating any work that is to be performed pursuant to the AO and the Approved Restoration Plan.

This approval of the restoration plan applies only to information that falls within the scope of the U.S. Environmental Protection Agency - Region VIII Section 404 Enforcement: General Guidelines for Removal and Restoration Plans, a copy of which was attached to the AO. Extraneous information or information for any claimed legal defenses that are included in the Approved Restoration Plan, but that are not required in order to evaluate the plan or are beyond the scope of the restoration activities, will not be considered to be part of the approved plan.

Thank you for providing the EPA with the second revised restoration plan. If you have any questions regarding this letter or the AO, please contact Monica Heimdal, Enforcement Officer, at 303-312-6359 for technical questions. For legal questions, please contact Peggy Livingston, Senior Attorney, at 303-312-6858.

Sincerely,



Eddie A. Sierra
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA, Regional Hearing Clerk
James and Kay Bianco (via certified mail #7009 3410 0000 2596 5210)
Susan Bachini Nall, U.S. Army Corps of Engineers (via email)
Jason Robinson, Fairfield and Woods, PC (via email)