



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

MAR 30 2017

Ref: 8ENF-W-WO

CERTIFIED MAIL #7009 3410 0000 2596 5524
RETURN RECEIPT REQUESTED

Board of County Commissioners
Lincoln County
512 California Avenue
Libby, Montana 59923

Re: Approval – Removal Plan – Docket No. CWA-08-2017-0008

Dear Commissioners Peck, Bennett and Cole:

This letter concerns the Removal Plan (Phase 1 of the project) required by the U.S. Environmental Protection Agency's Administrative Order on Consent (Order), Docket No. CWA-08-2017-0008, entered into with you on March 21, 2017. Pursuant to the Order and after consultation with the U.S. Army Corps of Engineers (Corps), the EPA is granting approval of the Removal Plan dated February 1, 2017, and supplemented on March 21, 2017, by Fraser Management & Consulting, PLLC. As identified in the Removal Plan, a total of five stockpile areas of approximately 22,000 cubic yards will be removed from Callahan Creek and disposed of at an upland location. Within ninety (90) days of completion of the Removal Plan, please submit the required Restoration Plan (Phase 2 of the project) to the EPA for review, comment and approval.

In accordance with paragraphs 39 and 40 of the Order, you must obtain all necessary permits to implement the Removal Plan. In order to demonstrate that all necessary permits have been granted, please provide complete copies of all such permits (and any amendments thereto) to the EPA after their issuance. Construction may proceed upon receipt of written verification from the Corps that the work is authorized under section 404 of the Clean Water Act and submittal to the EPA of copies of all applicable permits. The Removal Plan is now incorporated into the Order and enforceable in accordance with the terms and conditions, including required deadlines, of the Order and Removal Plan.

The EPA appreciates your efforts to adequately address the Clean Water Act violations. Please inform my staff immediately if there are any substantive changes in the designs or plans for the project or if you anticipate any problems meeting any conditions of the Removal Plan. If you have any technical questions regarding this matter, the most knowledgeable person on my staff is Monica Heimdal, Section 404 Enforcement Officer, who can be reached at 303-312-6359. Any legal questions should be

directed to Wendy I. Silver, Senior Attorney, at 303-312-6637. The EPA looks forward to completion of the project.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Opekar", with a long horizontal flourish extending to the right.

Kimberly S. Opekar
Acting Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

cc: Stephen R. Brown, Garlington, Lohn and Robinson
Nathan Green, U.S. Army Corps of Engineers
Melissa Haniewicz, EPA, 8TMS-IO