



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-W-NW

7/11/2023

**CERTIFIED MAIL #**  
**RETURN RECEIPT REQUESTED**

2:18pm

Dustin Henstra  
Uinta County Road and Bridge Department  
P.O. Box 475  
Mountain View, Wyoming 82939

Received by  
EPA Region VIII  
Hearing Clerk

Gary Fenus  
P.O. Box 103  
Mountain View, Wyoming 82939

Eric South, Chairperson  
Uinta County Commission  
3301 County Road 165  
Evanston, Wyoming 82930

Re: Administrative Order on Consent Closure, EPA Docket No. CWA-08-2013-0005

Dear Mr. Henstra, Mr. Fenus, and Mr. South:

The U.S. Environmental Protection Agency (EPA) has closed the EPA administrative order on consent (Consent Order) referenced above. The Consent Order was entered into by Uinta County, Gary Fenus, and the Town of Mountain View (Respondents) and the EPA on November 27, 2012.

In the Consent Order, the EPA alleged the Respondents discharged dredged and fill material into Smiths Fork River and adjacent wetlands in Mountain View, Wyoming, without an appropriate section 404 permit, in violation of section 301 of the Clean Water Act. The Consent Order directed the Respondents to restore and mitigate the discharge site.

Based on information contained in the case file, including the annual monitoring report prepared by Biota Research and Consulting Inc. on Uinta County Road and Bridge Department's behalf and submitted to the EPA on February 1, 2023, as well as an EPA site inspection conducted September 17, 2019, at which with Barbara Conklin of the EPA, Ryan Colyer of Biota Research and Consulting, Inc., Ariel Calmes of the Uinta County Attorney's Office, and Dustin Henstra of Uinta County Road and Bridge Department were present, the EPA has determined there are no remaining requirements to be fulfilled under the Consent Order. Accordingly, the Consent Order is now considered closed. Please be advised that closure of this Consent Order does not relieve or change any Respondent's obligation to comply with the Clean Water Act and all applicable federal, state, and local laws. The EPA encourages Uinta County Road and Bridge Department and any other owners or managers of the site to continue to

manage weeds as indicated in the restoration plan and to continue to maintain the site by addressing erosion, sedimentation, dumping of trash or debris, or similar issues.

We appreciate your efforts to resolve this matter. If you have any technical questions, please contact Jay Colingham, Section 404 Enforcement Officer, at (303) 312-6372. Any questions from counsel should be directed to Peggy Livingston, Senior Assistant Regional Counsel, at (303) 312-6858.

Sincerely,

Emilio Llamozas, Section Supervisor  
NPDES and Wetlands Enforcement Section  
Enforcement and Compliance Assurance Division

cc: Kate Tribbett, EPA, Regional Hearing Clerk, 8ORC-IO  
Paige Wolken, U.S. Army Corps of Engineers (via email)  
Jason Gipson, U.S. Army Corps of Engineers (via email)  
Ariel Calmes, Uinta County Attorney's Office (via email)  
Ryan Colyer, Biota Research and Consulting, Inc. (via email)