



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

JUN 14 2010

Ref: 8ENF-W

**CERTIFIED MAIL:**  
**RETURN RECEIPT REQUESTED**  
**#7008-3230-0003-0731-3712**

Joseph and Ronald Muth  
DOECK, LLC  
400 North Rowley Street  
Mitchell, South Dakota 57301

Re: Approval – Wetland Mitigation Plan  
Brookfield Subdivision, Rapid City, SD

Dear Messrs. Muth:

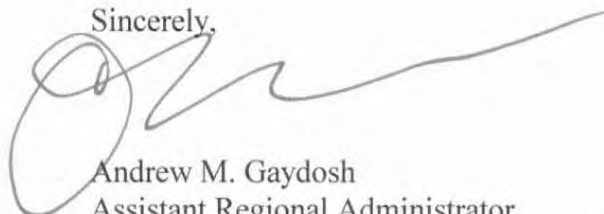
This letter concerns the Mitigation Plan (Plan) required by the U.S. Environmental Protection Agency's (EPA) administrative order on consent (Order), Docket No. CWA-08-2009-0016, issued to you on June 11, 2009. Pursuant to the Order, and after consultation with the U.S. Army Corps of Engineers (Corps), EPA is granting conditional approval of the Mitigation Plan for the Brookfield Subdivision as modified and resubmitted on February 8, 2010, by Sperlich Consulting, Inc. Sperlich Consulting, Inc. provided supplemental information on the drainage easement to EPA on March 30, 2010. As identified in the Plan, 3.12 acres of wetlands will be created as compensatory mitigation. This conditional approval of the Plan is contingent upon your submittal of a revised schedule (page 9 of the Plan) to this office within twenty-one (21) days of receipt of this letter for all work to be accomplished by the EPA-Approved Plan.

In accordance with paragraphs 35 and 36 of Section IV of the Order, you must obtain all necessary permits to implement the EPA-approved 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 EPA within seven (7) calendar days of 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 EPA of copies of all other applicable permits. The EPA-approved Plan is now incorporated into the Order and enforceable in accordance with the terms and conditions of the Order.



EPA appreciates your efforts to develop a Plan that adequately addresses the Clean Water Act violations. Please inform EPA 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 EPA-Approved Plan. If you have any technical questions regarding this matter, the most knowledgeable person on my staff is Kenneth Champagne, Section 404 Enforcement Officer, who can be reached at 303-312-6608. Any legal questions should be directed to Sheldon Muller, EPA Attorney, at 303-312-6916. EPA looks forward to completion of the project.

Sincerely,



Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Kale R. McNaboe, P.E., Sperlich Consulting, Inc.  
Steven E. Naylor, Corps of Engineers  
David L. LaGrone, Corps of Engineers  
Tina Artemis, EPA, 8RC

