



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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Ref: 8ENF-W

JUL 9 2013

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
#7008-3230-0003-0727-8813

Delbert L. Smith
1498 Southwest Melinda Road
Cedaredge, Colorado 81413

Re: Approval – Alamosa River Restoration Plan
Conejos County, CO – CWA-08-2011-0007

Dear Mr. Smith:

This letter concerns the restoration plan required by the U.S. Environmental Protection Agency's (EPA) Administrative Order for Compliance, Docket No. CWA-08-2011-0007 (Order), issued to you on March 16, 2011. Pursuant to the Order, and after consultation with the U.S. Army Corps of Engineers (Corps), the EPA hereby approves the restoration plan submitted on June 11, 2011, and supplemented on June 7, 2013, by ERO Resources Corp. (Plan). As identified in the Plan, 749 linear feet of bank stabilization and 0.988 acre of wetlands will be restored. Five hundred (500) linear feet of bank stabilization and 0.339 acre of fill in wetlands are allowed to remain in place. To offset the 0.339 acre of wetlands filled, 0.339 acre of wetlands will be created as compensatory mitigation.

In accordance with paragraphs 32 and 33 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 the 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, 33 U.S.C. § 1344, and submittal to the EPA of copies of all other applicable permits. The Plan is now incorporated into the Order and enforceable in accordance with the terms and conditions, including required deadlines, of the Order and the Plan.

The EPA appreciates your efforts to develop a Plan that adequately addresses the Clean Water Act violations alleged in the Order. 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 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.



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Any legal questions should be directed to Chuck Figur, EPA Attorney, at 303-312-6915. The EPA looks forward to completion of the project. Thank you for your cooperation in this matter.

Sincerely,

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

cc: Hildreth Cooper, U.S. Corps of Army Engineers
Leigh Rouse, ERO Resources Corp.
Tina Artemis, EPA, 8RC

