



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-L

September 20, 2013

Ms. Tina Artemis
Regional Hearing Clerk
U. S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129

Re: Roers Development, Inc.
Docket No. **CWA-08-2013-0030**

Dear Ms. Artemis:

Enclosed for filing please find an Expedited Settlement Agreement (Agreement) between the U.S. Environmental Protection Agency (EPA) and Roers Development, Inc. (Roers). It has been approved by the EPA and Roers. The EPA intends to issue a public notice of the Agreement. After the conclusion of the public comment period, the EPA will notify you whether any comments have been received and whether the EPA requests that the Regional Judicial Officer enter an order approving the Agreement.

I understand that Roers is not represented by counsel in this matter. Its contact person is Rick Larson, Registered Agent, Roers Development, Inc., 200 45th Street South, Fargo, North Dakota, 58103-0907.

Please contact me at 303-312-6858 or livingston.peggy@epa.gov if you have any questions.

Sincerely,

Margaret J. (Peggy) Livingston
Margaret J. (Peggy) Livingston
Senior Enforcement Attorney

cc:

Dallas Grossman, North Dakota Department of Health
Rick Larson, Roers Development, Inc.
Matt Petron, City of Minot



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8
1595 Wynkoop Street
Denver, Colorado 80202

2013 SEP 20 AM 10:34

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-08-2013-0030, NPDES Permit No. NDR104642

FILED
EPA REGION VIII
HEARING CLERK

This Expedited Settlement Agreement (Agreement) is entered into between the U.S. Environmental Protection Agency (EPA), and Roers Development, Inc. (Respondent), a North Dakota corporation and a "person" within the meaning of section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5).

St. Louis, MO 69197-9000
Docket No. CWA-08-2013-0030
Roers Development, Inc.

The EPA finds that Respondent failed to comply with the National Pollutant Discharge Elimination System (NPDES) storm water permit cited above, which was issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342, and that Respondent is responsible for the deficiencies specified in the attached Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. The EPA also finds, and Respondent admits, that the EPA is authorized to assess administrative penalties for NPDES permit violations pursuant to section 309 of the Act, 33 U.S.C. § 1319, and 40 C.F.R. part 22, and that the Regional Judicial Officer for EPA Region 8 has jurisdiction to issue a final order ratifying this Agreement under section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.13(b). Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement settles the EPA's civil penalty claims against Respondent for the violation(s) specified in the Form. The EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act, any permit issued under the Act, or of any other federal statute or regulation. The EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. The EPA has determined this Agreement to be appropriate.

The parties enter into this Agreement in order to settle civil penalty liability for the violations described in the Form for a penalty of \$9,250.00. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the statements in the Form; (2) participate in a hearing pursuant to section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to section 309(g)(8), 33 U.S.C. § 1319(g)(8).

This Agreement is binding on the parties signing below and shall become final thirty (30) days from the date an order approving it is issued by the Regional Judicial Officer, unless a petition to set aside the order approving this Agreement is filed by a commenter pursuant to section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), or a hearing is requested under section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. No later than the date it signs this Agreement, Respondent shall submit a written report detailing the specific actions taken to correct all violations cited in the Form. Respondent also certifies that, no later than 10 days after receiving notice from the EPA that a final order has been signed ratifying this Agreement, Respondent shall submit a bank, cashiers or certified check, with the case name and docket number noted, for the amount specified above payable to the Treasurer, United States of America, to:

APPROVED BY THE EPA:

[Signature]

Date: 08/09/13

Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance
And Environmental Justice

[Signature]

Date: 3/9/13

James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

APPROVED BY RESPONDENT:

[Signature]

Name of individual signing (printed)

Title of individual signing (printed)

[Signature]

Date: 9/12/13

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street, Denver, CO 80202-1129

**PUBLIC NOTICE OF PROPOSED EXPEDITED SETTLEMENT AGREEMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: The EPA is providing notice of a proposed expedited settlement agreement and the opportunity to comment on the proposed agreement for alleged violations of the Clean Water Act (CWA) at the Southgate Addition Development, being constructed at 1919 35th Avenue Southwest, Minot, North Dakota, 58701 (Ward County).

Summary: The EPA is authorized by section 309(g) of the CWA, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of certain provisions of the CWA, after providing (1) an opportunity for the person to be assessed the penalty (the Respondent) to request a hearing to contest the penalty, and (2) notification to the public of its rights to submit written comments and to participate in any hearing. The deadline for the public to submit comments is forty days after issuance of this notice.

On August 12, 2013, the EPA commenced a civil administrative action by offering an expedited settlement offer against the Respondent identified below, alleging violations of the CWA and a permit. Pursuant to section 309(g)(4) of the CWA, the EPA hereby notifies the public of the EPA's proposed penalty assessment against:

Roers Development, Inc.
200 45th Street South
Fargo, ND 58103

EPA Docket Number: **CWA-08-2013-0030**

Proposed penalty: \$9,250.00

Alleged violations: (1) Failing to maintain required documents on site, (2) failing to maintain a complete storm water pollution prevention plan, (3) failing to conduct required self-inspections, and (4) failing to install and maintain best management practices to minimize discharges of sediment and other pollutants into waters of the United States.

PUBLIC COMMENTS

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of forty (40) days after the publication of this notice. Written comments submitted by the public will be available for public review. Any person submitting written comments has a right to participate in a hearing, if one is held. The Complaint is available for review between 9:00 a.m. and 4:00 p.m. at the address listed below and on the internet at: <http://www.epa.gov/region8/compliance/publicnotice> under Docket **CWA-08-2013-0030**

Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129.
Telephone: (303) 312-6765

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the complaint or other documents in this proceeding (such as the regulations in 40 C.F.R. part 22, which establish procedures for the hearing), or to comment upon the proposed penalty assessment or upon any other aspect of the matter, should contact the Regional Hearing Clerk identified above. No action will be taken by the EPA to finalize a settlement in this matter until 40 days after this public notice.

More than 40 days have elapsed since the issuance of public notice pursuant to section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and the EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,

IT IS SO ORDERED:

_____ Date: _____
Hon. Elyana R. Sutin
Regional Judicial Officer