

Molstad Excavating, Inc.

705 SOUTH 48TH STREET
GRAND FORKS, NORTH DAKOTA 58201

MEMBER OF



TELEPHONE:
OFFICE: (701) 746-5474

January 20, 2009

Regional Hearing Clerk (8RC)
US EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Ref: 8ENF-W-NP

Dear Sirs:

This letter is in response to your letter of Proposed Assessment of Civil Penalty against INREIT Properties, LLLP and Goldmark Development Corporation.

We have read your letter and proposed penalties, upon further inspection we have realized that neither the Owner (INREIT/Goldmark) nor the Contractor (Molstad Excavating) took out a State of North Dakota storm water permit for this project. This was an oversight on both of our parts, during further inspection we realize how this happened. A City of Grand Forks Storm Water Pollution Prevention Permit was filed with the City and a copy is enclosed.

INREIT/Goldmark hired CPS Ltd a local engineering firm to design the project as well as the Storm Water Pollution Prevention (SWPP) manual. In this manual (which a copy was sent to you previously) there is a section for permits and includes the general NDR10-000 permit. Then INREIT/Goldmark hired Florian & Sons to do the excavating work for the project and Molstad Excavating to do the underground utilities. Subsequently, INREIT/Goldmark hired Molstad Excavating to take care of the storm water pollution control for this project. A copy of the SWPP was delivered to Molstad Excavating and this is how we quoted the storm water pollution control to INREIT/Goldmark. During this process both Molstad Excavating and INREIT/Goldmark both assumed that CPS, Ltd took out a large activity permit for the project and we both assumed this was the permit that was included in the SWPP manual. We have now since looked and realized that a large permit wasn't necessary and we should have both included this project in our small construction activity permit for the 2007 and 2008 construction season, as the total disturbance for the project was less than five acres. This small construction activity permit is filed annually with the ND Department of Health and is a no cost permit.

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INREIT/Goldmark and Molstad Excavating never intentionally tried to "skip out" on the responsibility of Storm Water Pollution Control for this project. As you can see, INREIT/Goldmark went above and beyond by hiring an Engineering firm to design the SWPP and hired a contractor to carry out the Storm Water Pollution Control. They didn't try to design the SWPP themselves and didn't try to manage the implementation of it themselves. I am sending you a copy of the invoice for the services CPS Ltd performed showing the charges for the SWPP and I am including a copy of the Molstad Excavating invoice for the storm water pollution control that was performed.

During your inspection the in May 2008 you saw no storm water control devices onsite because the landscaper had removed them all in preparation for the sod that was to be laid. Had I not been on maternity leave I would have definitely caught this and would have installed some interim devices while they were working. Again in my previous correspondence, my son's birth was 3 weeks earlier than planned and was an emergency delivery. I was the person responsible for the inspections and it was the furthest thing from my mind when I was in the hospital. It wasn't until I came back to work that I was told there were some problems on the site.

I have taken many classes in Storm Water Pollution Control and am including copies of some certificates from those classes, I am capable of managing the Storm Water Pollution Control.

INREIT/Golmark and Molstad Excavating never purposely or intentionally tried to escape the responsibility of the Storm Water Control, in which the documentation I have included shows. Other than a simple oversight in paperwork, and my leaving for the birth of my son, everything was done above and beyond what the SWPP called for.

Please feel free to contact me for further discussion in this matter or if I can provide you with any additional information for your review.

Sincerely,

Sharee Haar, P.E.
Project Engineer



City of Grand Forks

Engineering Department

255 North Fourth Street • P.O. Box 5200 • Grand Forks, ND 58206-5200

(701) 746-2640
Fax: (701) 787-3744

Storm Water Pollution Prevention Permit

INREIT PROPERTIES, LWP
% Goldmark Dev Corp.
Name of Applicant (please print)

PO Box 3024
Mailing Address

- Property Owner
- Owner Representative
- Contractor
- Contractor Representative

Fargo ND 58108
City State Zip

(701) 239-3831 (701) 239-5837
Telephone Fax

Applicant: I hereby agree to follow the conditions and requirements included in Chapter XVIII of the Grand Forks Land Development Code Article 12.

Goldmark Dev. Corp.
Printed Name of Applicant

Signature of Applicant See attached form Date

Autumn Ridge Apts.
Project Name

Doug Herzog, CPS, Ltd.
Contact Person (please print)

2200 Block of 36th Ave. South
Address

(701) 738-4048
Contact Telephone #

5
Size (acres)

Site Plan Storm Water Permit Fees
Base Fee: \$50.00, Fee per acre included in the site plan: \$15.00

FOR CITY USE ONLY		FINAL APPROVED SWPP PLAN
<u>2006-011</u> GF Storm Water Permit Number	<u>\$125.00</u> Total Permit Fee	SWPP Plan Approved By: <u>dk n. [signature]</u>
<u>Carolyn Schack</u> Issued by/Date	<u>[signature] 9/22/06</u> SWPP Plan Reviewed by/Date	Date: <u>9/22/06</u>

* This permit will take effect once the Applicant has received a letter of approval and a stamped copy of the permit notifying that the Storm Water Pollution Prevention Plan submitted has been approved

* Attach a copy of the State of North Dakota Notice of Intent (NOI) and Storm Water Pollution Prevention (SWPP) Plan



INVOICE

Client: _____ **Date:** Oct. 30, 2006

Name Goldmark Development Corp.
 Attn Dale Lien
 Address PO Box 3024
 City Fargo, ND 58108
 Re Autumn Ridge Apartments

PROFESSIONAL SERVICES	HOURS	RATE	TOTAL
Site Topographic Survey - contractual fee			\$ 1,800.00
Detailed Development Plan - contractual fee			\$ 4,400.00
Sitework Design and Construction Documents - contractual fee			\$ 6,800.00
SWPP Controls Plan/Erosion Control Plan - contractual fee			\$ 1,800.00
SubTotal			\$ 14,800.00
Payment _____ TOTAL			\$ 14,800.00

MAKE ALL CHECKS PAYABLE TO:
 CPS, Ltd.
 308 2nd Avenue North
 Grand Forks, ND 58203

If you have any questions concerning this invoice,
 please contact Doug Herzog at 701-738-4048

THANK YOU FOR YOUR BUSINESS!

*OK'd =
 Autumn Ridge
 # 0042*

GOLDMARK Development Corp.

P.O. Box 3024
Fargo, ND 58108

Bank of the West
Main at Broadway
Fargo, ND 58124

12151

091300036

**** FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS

TO THE
ORDER OF

CPS, Ltd.
308 2nd Ave N
Grand Forks, ND 58203

11/21/06 \$14,800.00**
FILE COPY

NON-NEGOTIABLE

RECEIPT AND WAIVER OF LIEN RIGHTS

The undersigned acknowledges this 21 day of November 2006, having received payment of Fourteen thousand eight hundred dollars and no cents (\$14,800.00) from GOLDMARK Development Corporation in full payment of all labor, skills, equipment, and materials furnished to the following described real property.

Autumn Ridge
Grand Forks, ND

For value received the undersigned hereby waives all rights which may have been acquired to file or record mechanic's liens for labor, skill, equipment, or materials furnished to said real property prior to the date of 21 November 2006. The undersigned affirms and warrants all supplies and materials furnished, and all subcontractors employed by the undersigned have been paid in full. The undersigned warrants and attests they are authorized and have full authority to sign this lien waiver, and that they are signing with full knowledge of their rights under the laws of the State of North Dakota.

Contractor Name-CPS, Ltd.

By: Mark Lambrecht
(Signature)

Mark Lambrecht
(Printed Name)

Title: President

Address: 308 2nd Ave N

Grand Forks, ND 58203

Molstad Excavating, Inc.705 SOUTH 48TH STREET
GRAND FORKS, N.D. 58201TELEPHONE:
OFFICE: (701) 746-6474

Quotation
 Goldmark Development Corporation
 Autumn Ridge Apartment Project
 Grand Forks, ND

EROSION CONTROL

Description	Amount	Unit	Unit Price	Extended Price
Construct rock entrance	2	ea	\$ 1,400.00	\$ 2,800.00
Silt fence	1350	lf	\$ 3.00	\$ 4,050.00
Construct Concrete Washout	1	ls	\$ 650.00	\$ 650.00
Inlet Protection	16	ea	\$ 150.00	\$ 2,400.00
Maintenance of Above Items	1	ls	\$ 2,500.00	\$ 2,500.00
Monitoring/reporting/paperwork	1	ls	\$ 1,200.00	\$ 1,200.00
			Total Bid:	\$ 15,600.00

Bid Qualifications:

Seeding and Landscaping by others

Street Sweeping is not included, add \$75.00 per hour & \$150.00 for each mobilization

Accepted 3-1-07
John Lion

Prop/Job/Categ/Acct	Invoice	Description	Amount
11-100000-0000-0000	1	Fixed Bill return	100,000.00
			<u>100,000.00</u>

Received 5/19/2007

APPLICATION AND CERTIFICATE FOR PAYMENT

1/1/2018 11:58:11 AM

PAGE ONE OF TWO PAGES

TO OWNER:

Hallmark
 1205 Field Street South, Suite 200
 Fargo ND 58103

PROJECT:

Valley Ridge Apartments
 Grand Forks, ND

APPLICATION NO:

1

PERIOD FOR:

1/1/18

FROM CONTRACTOR:

Michael Enterprises, Inc.
 715 South 80th Street
 Grand Forks, ND 58201

CONTRACT DATE:

06/01/17

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment as shown below. All payments from this Contract are being made in accordance with the Contract Documents. All payments have been made to the Contractor for Work, the value of previous Certificates for Payment have been paid and there are no liens from the Owner, and that amount paid shall be used for the benefit of the Contractor.

The undersigned Contractor certifies that the Work shown on this Application for Payment is complete, satisfactory and held by the Work shown on this Application for Payment has been completed in accordance with the Contract Documents. All payments have been made to the Contractor for Work, the value of previous Certificates for Payment have been paid and there are no liens from the Owner, and that amount paid shall be used for the benefit of the Contractor.

1	ORIGINAL CONTRACT SUM	\$	10,128.00
2	Net Change by Change Order	\$	0.00
3	CORRECTED CONTRACT SUM	\$	10,128.00
4	TOTAL PAYABLE TO CONTRACTOR	\$	10,128.00
5	RETAINAGE		
6	% of Completed Work	\$	
7	% of Bond Material	\$	
8	TOTAL PAYABLE TO CONTRACTOR	\$	10,128.00
9	LESS PREVIOUS CERTIFICATE FOR PAYMENT	\$	0.00
10	CURRENT PAYMENT DUE	\$	10,128.00
11	REMARKS TO FEDERAL TAX PURPOSES	\$	0.00

CONTRACTOR:

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total Changes approved as previous months by Owner		
Total approved this Month		
TOTAL		
NET CHANGE BY CHANGE ORDER		\$0.00

Prop/Job/Categ/Anct	Invoice	Description	Amount
00000000000000000000	0	INVESTMENT	4,100.00
			<hr/>
			4,100.00

Received
7/14/07

APPLICATION AND CERTIFICATE FOR PAYMENT

SEE BACK PAGE FOR NOTES TO USER

FORM 104-001 (07/01/04)

TO OWNER: Liquors 1707 North Street, Suite 200 Largo, MD 21044	PROJECT: Liquor Retail Application Largo, MD	APPLICATION NO.: 1
FROM CONTRACTOR: Mansel Excavation, Inc. 701 South Hill Road Largo, MD 21044		PERIOD TO: 12/31/07
		CONTRACT DATE: 12/31/07

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment of money due to contractor under the contract.
Contractor shall file a copy of this application with the Commission.

The undersigned contractor certifies that the work described in this application is complete and being paid for by the applicant for the stated period. The amount of the application is correct and the amount of the payment is correct. The contractor is not liable for any other claims or debts against the contractor or the contractor's surety.

1 ORIGINAL CONTRACT PRICE	\$	114,729.00
2 Net change by change orders	\$	4,000.00
3 CONTRACTOR'S RETENTION (10%)	\$	11,472.90
4 TOTAL AMOUNT DUE TO CONTRACTOR (1) + (2) - (3)	\$	107,256.10
5 RETAINED		
a. % of Contract Work	\$	
b. % of Retained Amount	\$	
Total Retention (Line 5a + 5b)	\$	
6 TOTAL CONTRACTOR'S PAYMENT	\$	107,256.10
7 CASH PREVIOUSLY RECEIVED	\$	106,650.00
8 CURRENT PAYMENT DUE	\$	6,106.10
9 BALANCE TO BE PAID BY OWNER (6) - (7)	\$	1,500.00

DATE: _____

BY: _____

CHANGE ORDER NUMBER	ADDITIONS	DEDUCTIONS
Total changes approved or previously made by Owner		
Total approved by Owner	\$0.00	
TOTAL	\$0.00	
NET CHANGE IN CONTRACT PRICE	\$0.00	

1. The contractor shall provide a copy of the contract documents to the owner at the time of bid opening. The contractor shall be responsible for providing a copy of the contract documents to the owner at the time of bid opening. The contractor shall be responsible for providing a copy of the contract documents to the owner at the time of bid opening.

PROJECT NUMBER: _____
 APPLICATION DATE: _____
 PROJECT NAME: _____

ITEM #	DESCRIPTION	BIDDING VALUE	BIDDING VALUE		BIDDING VALUE	PERCENTAGE	BIDDING VALUE	PERCENTAGE
			ESTIMATED VALUE	ACTUAL VALUE				
1	Water, Sewer & Storm Sewer	\$90,728.00	\$0.00	\$90,728.00	\$0.00	\$90,728.00	100.0%	
2	Concrete Rock Excavation	\$2,800.00	\$0.00	\$2,800.00	\$0.00	\$2,800.00	100.0%	
3	5ft Fence	\$4,360.00	\$0.00	\$4,360.00	\$0.00	\$4,360.00	100.0%	
4	Concrete Walkout	\$650.00	\$0.00	\$650.00	\$0.00	\$650.00	100.0%	
5	Soil Protection	\$2,400.00	\$0.00	\$2,400.00	\$0.00	\$2,400.00	100.0%	
6	Maintenance of Erosion Control	\$1,500.00	\$0.00	\$1,500.00	\$0.00	\$1,500.00	100.0%	
7	Monitoring/Reporting/Passwork	\$1,200.00	\$0.00	\$1,200.00	\$0.00	\$1,200.00	100.0%	
8	Water & Sewer lines installed into building	\$4,200.00	\$0.00	\$4,200.00	\$0.00	\$4,200.00	100.0%	
GRAND TOTALS		\$114,328.00	\$0.00	\$112,738.00	\$0.00	\$112,738.00		

Users may obtain validation of this document by requesting of the licensee a completed A/A Document D401 - Certification of Document's Authenticity

Certificate of Successful Completion

SHAREE HAAR

This is to certify attendance at the "Current Issues in Storm Water Regulation" seminar presented March 28, 2008 in Moorhead, MN.

Lorman Business Center, Inc. is registered with the AIA Continuing Education System (AIA/CEU). This 6.00 hour program offers 6.00 Learning Unit Hours, which will be reported directly to the AIA/CEU for AIA members. This program qualifies for 6.00 hours of Health, Safety, Welfare (HSW). Provider Number: 2206 Program Number: 206473.

LORMAN EDUCATION SERVICES is an approved provider through the North Dakota State Board of Registration for Engineers and Land Surveyors. This seminar qualifies for 7.0 of continuing professional competence for land surveyors.

LORMAN EDUCATION SERVICES is an approved provider through the North Dakota State Board of Registration for Engineers and Land Surveyors. This seminar qualifies for 7.0 of continuing professional competence for engineers.

Lorman Business Center, Inc. is a recognized provider registered with the PMI Registered Educational Provider Program (PMI R.E.P.). Lorman Business Center, Inc. accepts and adheres to all PMI R.E.P. Program policies, requirements and rules concerning the provision of professional education activities and materials. This course qualifies for 6.00 PDUs. Program Number: 000114.

Lorman Business Center, Inc. has been approved as an Authorized Provider by the International Association for Continuing Education and Training (IACET), 8405 Greensboro Drive, Suite 800, McLean, VA 22102. In obtaining this approval, the Lorman Business Center, Inc. has demonstrated that it complies with the ANSI/IACET Standards which are widely recognized as standards of good practice internationally. As a result of their Authorized Provider membership status, Lorman Business Center, Inc. is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standards. Lorman Business Center, Inc. will award 6.00 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

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Kari Campbell
Kari Campbell



North Dakota Department of Transportation

David A. Sprynczynatyk, P.E.
Director

John Hoeven
Governor

*Rita -
328-2540*

MEMO TO: City, County, & Consulting Engineers
FROM: *Dave Leftwich*
Dave Leftwich
Local Government Engineer
DATE: April 11, 2005
SUBJECT: FHWA Effective Stormwater Management

Attached is information on this two-day course being held in Bismarck, April 26-27. There are a limited amount of extra seats available.

Please let me know by April 18, if you would like to attend.

DL:rw
Enclosure
c: Marie, HRD



MINNESOTA EROSION CONTROL ASSOCIATION



CERTIFIES THAT

Sharee Haar

Demonstrated the required knowledge of erosion and sediment control regulations and techniques for the

MINNESOTA EROSION AND SEDIMENT CONTROL CERTIFICATE

May 01, 2004


Jay Michels
Administrator, MECA

MINNESOTA EROSION CONTROL ASSOCIATION

CERTIFIES THAT

Sharee Haar

Demonstrated the required knowledge of erosion and
sediment control regulations and techniques for the

**MINNESOTA EROSION AND SEDIMENT
CONTROL CERTIFICATE**



May 5, 2003


Jay Michels
Administrator, MECA