



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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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

JUN 22 2010

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
#7008-3230-0003-0731-3736

Harley E. Neshem, President
Gratech Company, Ltd.
8201 282 Street, NW
Berthold, ND 58718

Re: Approval – Removal and Restoration Plan,
Administrative Order for Compliance,
Docket No. CWA-08-2008-0014

Dear Mr. Neshem:

This letter concerns the Restoration Plan (Plan) required by the U.S. Environmental Protection Agency's (EPA) Findings of Violation and Administrative Order for Compliance (Order) issued to Gratech Company, Ltd. and Michael O'Connor on June 16, 2008. Pursuant to the Order, and after consultation with the U.S. Army Corps of Engineers (Corps) and the Fort Peck Assiniboine & Sioux Tribes, EPA is granting conditional approval of the Removal and Restoration Plan, as modified and resubmitted on May 28, 2010, by Interstate Engineering, Inc. As identified in the Plan, 11.81 acres of wetlands will be restored and 5.97 acres of wetlands will be created as compensatory mitigation. This conditional approval of the Plan is contingent upon your submittal of a final schedule to this office within twenty-eight (28) days of receipt of this letter for all work to be accomplished by the EPA-Approved Plan.

In accordance with paragraphs 8 and 9 of Section III 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. Questions from your attorney, if any, should be directed to Peggy Livingston, EPA Attorney, at 303-312-6858. EPA looks forward to completion of the project.

Sincerely,



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

cc: Michael O'Connor, Wolf Point, Montana
Damon K. DeVillers, PE, Interstate Engineering, Inc.
Deb Madison, Fort Peck Assiniboine and Sioux Tribes
Todd Tillinger, U.S. Army Corps of Engineers
David L. LaGrone, Corps of Engineers
Tina Artemis, EPA, 8RC

