



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

JUL 02 2019

Ref: 8ENF-W-NW

CERTIFIED MAIL #7012 2210 0000 5371 1512
RETURN RECEIPT REQUESTED

John A. Brunini
Butler Snow LLP
P.O. Box 6010
Ridgeland, Mississippi 39158-6010

Re: Administrative Order on Consent Closure, EPA Docket No. CWA-08-2013-0033

Dear Mr. Brunini:

The U.S. Environmental Protection Agency (EPA) is providing you this written notification of the closure of the EPA administrative order on consent (AOC) referenced above that was issued to BIP 40, LLC (BIP 40), on September 24, 2013. The AOC was issued for BIP 40's, alleged discharges of dredged and fill material into wetlands adjacent to and directly abutting Camp Creek near the Williston RV Village Resort in Williston, North Dakota. This was done without an appropriate section 404 permit, a violation of section 301 of the Clean Water Act. Based on information contained in the case file, including the annual monitoring report prepared by Carlson McCain on BIP 40's behalf and submitted by you on November 1, 2017, as well as an EPA site inspection conducted July 26, 2018, with Greg Meyer of Carlson McCain and supplemental information submitted June 11, 2019, the EPA has determined that compliance with the requirements outlined in the AOC and approved restoration plan has been achieved. Accordingly, the AOC is now considered closed. Please be advised that closure of this AOC does not relieve or change BIP 40's obligation to comply with the Clean Water Act and all applicable federal, state, and local laws. The EPA encourages BIP 40 or any other owners or managers of the site to continue to manage weeds as indicated in the restoration plan and continue to maintain the site by addressing any problems such as erosion, sedimentation, dumping of trash or debris, etc.

I appreciate the efforts BIP 40 has made to resolve this matter. If you have any technical questions, please contact Monica Heimdal, Section 404 Enforcement Officer, at (303) 312-6359. For any questions of a legal nature, please contact Linda Kato, Regional Enforcement Counsel, at (303) 312-7149.

Sincerely,

Stephanie DeJong, Chief
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

cc: Melissa Haniewicz, EPA, Regional Hearing Clerk, 8ORC-IO
Joseph McMahan, U.S. Army Corps of Engineers (via email)
Patricia McQuery, U.S. Army Corps of Engineers (via email)
Greg Meyer, Carlson McCain (via email)