

2/27/2023

9:11 AM

Received by
EPA Region VIII
Hearing Clerk



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ENF-W

February 27, 2023

SENT VIA EMAIL
READ RECEIPT REQUESTED

Jean Ramer, CESCO
Terracon
15080 A Circle
Omaha, NE 68144
jean.ramer@terracon.com

Re: James Hein Restoration Plan Approval, Administrative Order on Consent
Docket No. CWA-08-2020-0014

Dear Ms. Ramer:

The U.S. Environmental Protection Agency (EPA) has reviewed the Yellowstone River restoration plan (Plan) that was prepared by Terracon, on behalf of James Hein, and made available to the EPA electronically on January 30, 2023. The restoration plan was prepared in response to the EPA's administrative order on consent (AOC) referenced above and addresses impacts to wetlands and other waters of the United States along the Yellowstone River. The impacts occurred in section 21, Township 3 North, Range 29 East on property owned by James Hein in connection with riverbank restoration and involving dredged or fill material discharged within and around the Yellowstone River.

You provided a final restoration plan on January 30, 2023, after which the EPA gave you verbal notification that the Plan, as submitted, becomes the final EPA-approved restoration plan (Approved Restoration Plan). This letter is to provide you formal notification of the EPA's January 30, 2023, restoration plan approval.

As is required by the AOC, James Hein is in consultation with the U.S. Army Corps of Engineers (Corps) to determine if any work to be performed pursuant to the AOC and the Approved Restoration Plan requires a permit from the Corps under section 404 of the Clean Water Act (CWA). A permit application must be submitted to the Corps within 30 days, as indicated in the Plan.

You also are advised to consult with the Montana Department of Environmental Quality (MDEQ) at the address and telephone number below to determine if a permit from MDEQ is required under section 401 or 402 of the CWA.

Montana Department of Environmental Quality
Water Quality Division
1520 E 6th Avenue
Helena, MT 59601
Telephone: (406) 444-5546

If permits are required from the Corps, MDEQ, or any other agencies, they must be obtained, and copies provided to the EPA pursuant to paragraph 62 of the AOC, prior to initiating any of this work.

Thank you for providing the EPA with the Plan for your efforts to move this matter forward. If you have any questions regarding this letter or the AOC, please contact Jay Colingham, Enforcement Officer, USEPA Region 8, at (303) 312-6372.

Sincerely,

Tiffany Cantor
Acting Branch Manager
Water Enforcement Branch
Enforcement and Compliance Assistance Division
USEPA, Region 8 Headquarters

cc:

Sage L. Joyce
Chief, Montana Regulatory Office, Omaha District (via email, Sage.L.Joyce@usace.army.mil)
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