



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-W

SEP 10 2008

**CERTIFIED MAIL:**  
**RETURN RECEIPT REQUESTED**  
**#7003-2260-0001-7779-7475**

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

Re: Request for Extension of Deadline to Submit  
Restoration Plan  
Docket No. CWA-08-2008-0014

Dear Mr. Neshem:

This letter is in response to your August 21, 2008 request to Peggy Livingston and Daren Vanlerberghe of my staff for a 30-day extension of the deadline for submitting the initial draft Restoration Plan in accordance with paragraph 5 of the administrative order ("Order") the U.S. Environmental Protection Agency ("EPA") issued to you and Michael O'Connor on June 16, 2008. The deadline for submission of the draft Restoration Plan was August 18, 2008, based on your receipt of the Order on June 19, 2008.

Based on the reasons described in Interstate Engineering's August 21, 2008 letter, which you forwarded by email to our office, and in the interest of having the Restoration Plan completed as accurately and thoroughly as possible, EPA is granting your request for a thirty (30) day extension of the deadline. Therefore, please note that the original sixty (60) day deadline in paragraph 5 of the Order is hereby modified by EPA in response to your request:

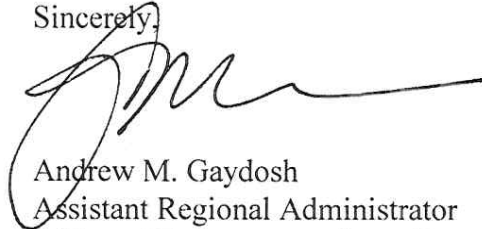
5. *Within ninety (90) calendar days of receipt of this Order, Respondent shall submit to EPA for review, comment, and approval a Restoration Plan, prepared by the consultant referenced in paragraph 4 of Section III of this Order, providing for the: (1) removal of all dredged and/or fill material that was discharged into Tule Creek and its adjacent wetlands and tributaries at the Site; and (2) restoration, to their pre-impact configuration and/or grade, of Tule Creek and its adjacent wetlands and tributaries that were impacted as a result of Respondents' unauthorized discharges of dredged and/or fill material on the Site.*



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Accordingly, the initial draft Restoration Plan must be submitted to EPA by September 17, 2008. If you have any questions, the most knowledgeable people on my staff are Peggy Livingston, Enforcement Attorney, at (303) 312-6858 and Daren Vanlerberghe, Enforcement Officer, at (303) 312-6389. Thank you for your continued cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', with a long horizontal flourish extending to the right.

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

cc: Michael O'Connor, Wolf Point, Montana  
Allan Steinle, U.S. Army Corps of Engineers