



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-L

**MEMORANDUM**

**SUBJECT:** Combined Complaint and Consent Agreement  
In the Matter of the Geo. R. Pierce, Inc.  
Docket No. CWA-08-2015-0021

**FROM:** Suzanne J. Bohan, Assistant Regional Administrator  
Office of Enforcement, Compliance and Environmental Justice

**TO:** Honorable Elyana R. Sutin, Regional Judicial Officer

With this memorandum, the Office of Enforcement, Compliance and Environmental Justice (ECEJ) is transmitting a combined complaint and consent agreement (CCCA) in the above-referenced matter. We request that you issue a final order approving it, as described below.

The EPA has taken this action under the authority of section 309(g)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g)(2)(A). In the CCCA, the EPA alleges that Geo. R. Pierce, Inc. (Pierce) violated various requirements relating to the terms of the construction general permit for storm water discharge at Pierce's Blackwood Subdivision in Williston, North Dakota. The counts of violation are: (1) Failure to Develop an Adequate Storm Water Pollution Prevention (SWPP) Plan; (2) Failure to Update the SWPP Plan; (3) Failure to Implement and Maintain Best Management Practices; (4) Failure to Document Storm Water Site Inspections; and (5) Failure to Maintain Required Records On-Site. The proposed settlement is consistent with applicable settlement penalty policies. The settlement amount of \$25,000 took into consideration the Clean Water Act statutory penalty factors.

On July 14, 2015, ECEJ issued a public notice of this proposed settlement pursuant to section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4). The public comment period has closed, and no comments were received. Additionally, as of August 24, 2015, an additional 10 days have passed after the close of the comment period. *See* 40 C.F.R. § 22.18(a).

Pierce is represented by Jo Messex Casey, Hendrickson Law Firm, P.O. Box 2502, Billings, Montana 59103. Her telephone number is 406-245-6238, and her email address is [jo@hendricksonlawmt.com](mailto:jo@hendricksonlawmt.com).

The EPA attorney for this matter is Virginia Sorrell, at 303-312-6669 and [sorrell.virginia@epa.gov](mailto:sorrell.virginia@epa.gov).

cc: Jo Messex Casey (via email)

Attachment (CCCA)