



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

JUL 09 2019

Ref: 8ENF-W-NW

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Lynn Buttars  
127 North Main Street  
Clarkston, Utah 84305

Re: Monitoring Reports--Administrative Order on Consent, EPA Docket No. CWA-08-2013-0002

Dear Mr. Buttars:

The U.S. Environmental Protection Agency (EPA) has reviewed the monitoring reports prepared by your consultants BIO-WEST for the Clarkston Creek Restoration, required as part of the Administrative Order (AOC) referenced above. The most recent report for growing season 2017 (dated December 2017) was received by EPA from BIO-WEST, Inc, on June 19, 2018. That transmittal from BIO-WEST requested that EPA consider whether you have met the restoration and monitoring requirements. The EPA Region 8 guidance for restoration plans requires a minimum of five years of monitoring (near the end of the growing season) following the initial restoration, which in this case would be five years following the 2015 restoration and seeding, or 2020. However, based on your EPA-approved restoration plan (approved November 5, 2013), BIO-WEST stated a report would be submitted to the EPA at the end of each growing season during the three year monitoring period. EPA received an as-built report from BIO-WEST on June 10, 2015. A monitoring report from BIO-WEST for 2016 was received by EPA on April 7, 2017. As mentioned earlier, the 2017 monitoring report was received from BIO-WEST on June 19, 2018, for monitoring performed in August of 2017. The amount of data received to date only represents two years of monitoring since BIO West confirmed that the 2018 monitoring, due to be reported at the end of the 2018 growing season, was not completed. Therefore, the 2019 monitoring must be completed at the end of this year's growing season and submitted shortly thereafter to ensure compliance with the terms of the AOC. At that time EPA can evaluate the success of the restoration and whether the AOC can be closed.

In addition, based on the 2017 monitoring report from BIO-WEST, EPA has some concerns with the success of the project that need to be addressed prior to EPA being able to consider whether the requirements are being met. At a minimum, additional monitoring needs to be performed during the 2019 growing season and include an evaluation of the recommendations BIO-WEST outlined on pages 7 and 8 of its December 2017 monitoring report. These include the need for additional willow cuttings,



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addressing two areas of erosion or any additional erosion that may have occurred including the need for additional stabilization measures, and additional vegetation. The monitoring report should also identify what criteria are being used to demonstrate the restoration is successful.

Please be reminded that monitoring should occur near the end of the growing season in order to determine the full extent of the restoration and the report submitted shortly thereafter. I appreciate the efforts you have made to resolve this matter. If you have any technical questions, please contact Barbara Conklin, Section 404 Enforcement Officer, at (303) 312-6619.

Sincerely,



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

cc: Jason Gipson, U.S. Army Corps of Engineers (via e-mail)  
Darren Olsen, BIO-WEST, Inc. (via e-mail)