



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

APR 20 2011

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
#7009-3410-0000-2593-8511
and
VIA FAX: (719) 746-2981

Robert Pfaffenhauser
P.O. Box 843
Walsenburg, Colorado 81089

Re: Approval – Site Restoration Plan
Walsenburg, CO

Dear Mr. Pfaffenhauser:

This letter concerns the Restoration Plan (Plan) required by the U.S. Environmental Protection Agency's (EPA) Administrative Order for Compliance (Order), Docket No. CWA-08-2010-0006, issued to you on February 10, 2010. Pursuant to the Order, and after consultation with the U.S. Army Corps of Engineers (Corps), EPA is granting conditional approval of the Plan as modified and resubmitted on February 11, 2011, by Atencio Engineering, Inc. As discussed with Ms. Atencio of Atencio Engineering, Inc. on April 13, 2011, EPA and the Corps are requiring a 5-year monitoring period for the restoration project. EPA and the Corps will consider a written request to reduce the 5-year monitoring requirement following the submittal of at least two (2) consecutive annual monitoring reports which demonstrate that all final performance standards have been met, including verification through an EPA/Corps inspection. This conditional approval of the Plan is contingent upon your submittal of an updated schedule (page 9 of the Plan), including the 5-year monitoring requirement above, to this office within twenty-one (21) days of receipt of this letter for all work to be accomplished by the EPA-Approved Plan.

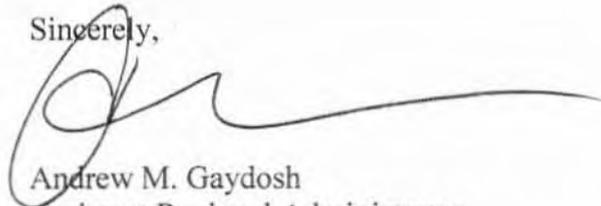
In accordance with paragraphs 33 and 34 of the Order, you must obtain all necessary permits to implement the EPA-approved Plan. In order to demonstrate that all necessary permits have been granted, please provide complete copies of all such permits (and any amendments thereto) to EPA within seven (7) calendar days of their issuance. Construction may proceed upon receipt of written verification from the Corps that the work is authorized under § 404 of the Clean Water Act, and submittal to EPA of copies of all other applicable permits. The EPA-



approved Plan is now incorporated into the Order and enforceable in accordance with the terms and conditions of the Order.

EPA appreciates your efforts to develop a Plan that adequately addresses the Clean Water Act violations. Please inform EPA immediately if there are any substantive changes in the designs or plans for the project or if you anticipate any problems meeting any conditions of the EPA-Approved Plan. If you have any technical questions regarding this matter, the most knowledgeable person on my staff is Kenneth Champagne, § 404 Enforcement Officer, who can be reached at 303-312-6608. Any legal questions should be directed to Thomas Sitz, EPA Attorney, at 303-312-6918. EPA looks forward to completion of the project.

Sincerely,



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

cc: Amanda Atencio, Atencio Engineering, Inc.
Paul Zogg, Law Office of Paul Zogg
Joshua Carpenter, U.S. Army Corps of Engineers
Tina Artemis, EPA, 8RC

