UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT & COMPLIANCE
ASSURANCE DIVISION

Reply To: 20-C04

RETURN RECEIPT REQUESTED

Mr. Ryan L. Smith
President
Alaska Construction, Inc.
P.O. Box 872725
Wasilla, Alaska 99687

Re: Unauthorized Discharges of Dredged and/or Fill Material in Wetlands Adjacent to Boulder Creek/Crooked Creek, near Central, Alaska

Dear Mr. Smith:

This letter is regarding a reported violation of the Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq.*, for unauthorized discharges of dredged and/or fill material in waters of the United States, including wetlands adjacent to Boulder Creek/Crooked Creek. The work was performed without authorization under CWA Section 404, 33 U.S.C. § 1344, on property located at approximately 126.2 Steese Highway, Latitude 65.57033° N., Longitude 144.85272° W.; near Central, Alaska.

The U.S. Environmental Protection Agency (EPA), Region 10, has discussed this matter with the U.S. Army Corps of Engineers, Alaska District ("Corps"). The Corps is conducting an investigation of the reported CWA violation. On December 22, 2021, the Corps requested you to provide information within 10 days of your receipt of their letter (POA-2021-00378).

On January 3, 2022, you contacted the Corps Project Manager by telephone, but did not respond to the information request. To date, your written response has not been received by the Corps.

EPA hereby advises you to **cease and desist** from all unauthorized discharges into waters of the United States, including wetlands. Failure to respond truthfully and accurately to the Corps' information request may subject you to CWA enforcement actions, including, but not limited to, the following civil and/or criminal sanctions:

- Issuance of an Administrative Compliance Order under CWA Section 309(a), 33 U.S.C. § 1319(a), for certain injunctive relief under CWA Section 309(b), 33 U.S.C. § 1319(b).
- Assessment of an administrative penalty of up to $23,989 per day of violation under CWA Section 309(g), 33 U.S.C. § 1319(g);
- Referral to the EPA Criminal Investigations Division for criminal prosecution under CWA Section 309(c), 33 U.S.C. § 1319(c); and/or
- Referral to the U.S. Department of Justice for commencement of a civil action, including a civil penalty of up to $59,973 per day of violation under CWA Section 309(d), 33 U.S.C. § 1319(d).

The Corps indicated to EPA that the subject property has been listed for sale. Please be advised that the sale of the property does not absolve the seller or the prospective owner from the requirements of the CWA. EPA is providing a courtesy copy of this letter to the listed real estate broker for the subject property.

Thank you for your cooperation and attention to this important matter. If you have any questions regarding this letter, please contact Mark Jen, Case Officer in the Alaska Operations Office in Anchorage, at (907) 271-3411 or jen.mark@epa.gov.

Sincerely,

MICHELE JENCIUS

Digitally signed by MICHELE JENCIUS
Date: 2022.03.15 10:30:12 -07'00'

Michele Regan Jencius, Chief
Surface Water Enforcement Section

cc: **Ex. 6 PP / Ex. 7(C)**

Ms. Laurel Gale
Project Manager, U.S. Army Corps of Engineers

Mr. Randy Vigil
Project Manager, U.S. Army Corps of Engineers

Ms. Ellen Lyons
North Central Section Chief, U.S. Army Corps of Engineers

Mr. Jon Wendel
Compliance Manager, Alaska Department of Environmental Conservation