

EPA Orders Restoration of Little Knife River in Dunn County, North Dakota

Contact Information: Diane Sipe, 303-312-6391; Laura Niles 303-312-6281

(Denver, Colo. – May 28, 2009) The U.S. Environmental Protection Agency has issued a compliance order to Dunn County, N.D. for violations of the Clean Water Act. Dunn County allegedly violated the Act by discharging material into the Little Knife River without a permit during road construction. The Little Knife River is a tributary to the Missouri River.

“Dunn County’s actions disturbed approximately 1,300 linear feet of the Little Knife River, which is an important wildlife and aquatic habitat and helps to reduce the force of flood waters,” said Diane Sipe, Director of EPA Region 8’s Water Enforcement Program. “EPA’s goal is to correct the environmental damage resulting from these unauthorized activities and to deter future violations of laws that protect the integrity of North Dakota’s waters.”

Between July and September of 2008, Dunn County completely filled and re-routed approximately 1,300 feet of the Little Knife River to facilitate straightening and realignment of two roads. The realignment resulted in a channel loss of about 200 feet. Dunn County did this without first obtaining a permit from the U.S. Army Corps of Engineers, which is required by the Clean Water Act. The EPA order requires Dunn County to mitigate for the impacts to the river by adding meanders to the existing rechannelized segment in order to achieve a similar length, sinuosity, and grade as the channel segment that was filled, and provide for a vegetated buffer on both sides of the rechannelized segment. Prior to doing the work, Dunn County must submit for EPA’s approval a plan that details how the mitigation will be accomplished. Failure to respond to an EPA order may lead to additional enforcement.

A permit is required before performing any work that results in discharges of material into rivers, lakes, streams, and wetlands. These alleged violations could have been avoided if Dunn County had applied for and obtained a permit from the Army Corps of Engineers prior to discharging material into the Little Knife River. Any person planning to do such work should contact the U.S. Army Corps of Engineers’ North Dakota Regulatory Office (1513 South 12th Street, Bismarck, N.D. 58504; telephone, 701-225-0015) before beginning work to determine if a permit is needed.

For more information on the Clean Water Act, visit EPA’s compliance web page:

<http://www.epa.gov/compliance/civil/cwa/index.html>

For more information about the importance of wetlands in flood control and habitat conservation, visit:

<http://www.usace.army.mil/>

<http://www.epa.gov/owow/wetlands/>

Help EPA protect our nation’s land, air and water by reporting violations: <http://www.epa.gov/tips/>