

## **EPA orders Builder's Aggregate and JJ Concrete to restore South Platte River near Fort Morgan**

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(Denver, Colo. – April 30, 2009) The U.S. Environmental Protection Agency has issued a compliance order to Builder's Aggregate and JJ Concrete for violations of the Clean Water Act in Fort Morgan, Colo. The companies allegedly violated the Act by placing material into the South Platte River and its adjacent wetlands without a permit.

"These unauthorized actions damaged the ability of the South Platte River and its adjacent wetlands to provide habitat for birds and animals and to reduce the force of flood waters," said Diane Sipe, Director of EPA Region 8's Water Enforcement Program. "EPA is ordering Builder's Aggregate and JJ Concrete to promptly restore the damage to the river and its wetlands. We will continue to pursue actions against those who violate federal laws that protect Colorado's waters."

The alleged violations occurred in the spring of 2008 when the companies leveled approximately two acres of wetlands adjacent to the South Platte River to expand the area for their sand, gravel and concrete operations. The companies also stockpiled material in the channel of the river and placed rip rap along the river's banks.

EPA's order requires measures to correct the environmental damage resulting from the unauthorized activities. Builder's Aggregate and JJ Concrete must remove all material placed in the riverbed and wetlands and restore affected areas to pre-impact conditions and grade. Materials the company dredged from the river and stockpiled within the channel of the South Platte must be removed within 21 days, in advance of spring runoff. Prior to beginning the remainder of the work, the companies must submit a plan detailing how removal and restoration will be accomplished.

The South Platte River and wetlands disturbed by the violations provide numerous functions and values, including wildlife habitat for birds, mammals, reptiles and amphibians; water quality enhancement; flood attenuation; and aesthetics.

Permits are required before performing work that results in the disturbance or placement of material into rivers, lakes, streams and wetlands. These alleged violations could have been avoided had Builders Aggregate and JJ Concrete applied for and obtained a permit from the Army Corps of Engineers before working in the South Platte River and its wetlands. Any person planning to do such work should contact the U.S. Army Corps of Engineers' Denver Regulatory Office at 9307 South Wadsworth Ave., Littleton, CO, 80128-6901 or telephone 303-979-4120.