

Industrial Builders to pay \$8,690 for damages to Heart River near Mandan

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(Denver, Colo. -- February 2, 2009) West Fargo-based Industrial Builders, Inc., has reached an agreement with the U.S. Environmental Protection Agency to pay a civil penalty of \$8,690 to resolve the unauthorized placement of fill material into the Heart River and adjacent wetlands in Morton County, ND. These alleged violations of the Clean Water Act occurred in December of 2007 during the replacement of the Heart River bridge west of Mandan on Main Street. The Clean Water Act prohibits the discharge of any pollutant to waters and wetlands unless authorized by a permit issued by the U.S. Army Corps of Engineers (Corps).

"The unauthorized placement of fill in rivers and wetlands can destroy aquatic and wildlife habitat, reduce water storage and retention, and degrade water quality," said Diane Sipe, Director of EPA's Water Enforcement program in Denver. "Industrial Builders should have followed the proper Clean Water Act permitting process in advance of conducting any work."

The alleged violations occurred while Industrial Builders was working under a contract from the North Dakota Department of Transportation (NDDOT) to replace the Heart River bridge. The company's plan, as permitted by the Corps, included the construction of a bridge support in the river's bed and specified access for project activities from the western shore of the river.

On December 12, 2007, Industrial Builders, without authorization from the Corps, allegedly deposited fill material into the Heart River and on the river's west bank. After encountering difficulty obtaining access for its equipment in this area, Industrial Builders, again without authorization from the Corps, leveled a section of the east bank and filled adjacent wetlands and approximately two-thirds of the river channel. The fill formed a continuous roadway which was then used to move heavy machinery into the river.

The illegal fill was removed by Industrial Builders the day after it was discovered by NDDOT and an inspection was conducted by the Corps. The company subsequently applied for appropriate authorization, which was granted, allowing Industrial Builders to complete construction in accordance with conditions imposed by the Corps.

A permit from the Corps is required before performing any work that results in the placement of material into waters, including rivers, lakes, streams, and wetlands. Industrial Builders had prior knowledge of the permitting process as the company has worked on several projects that required Clean Water Act permits and has incurred two prior violations.

The lakes, rivers, streams, and wetlands in this area are important as habitat for local and migratory birds and localized wildlife, water storage and retention, water quality enhancement, flood control, wildlife viewing, and aesthetics. These functions and values were regained upon removal of the fill from the river and adjacent wetlands.

Respondents who fail to comply with terms of consent agreements are subject to additional enforcement actions.

Permits are required before performing any work that results in material being placed into rivers, lakes, streams and wetlands. 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, North Dakota 58504-6640. Phone: (701) 255-0015.

For more information on the Clean Water Act, visit EPA's compliance web page:
<http://www.epa.gov/compliance/civil/cwa/index.html>