

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 N. 5TH

KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
LYNN KIRKPATRICK)
Route 1, Box 160)
Arbela, Missouri 63432)
)
Respondent)
)
Docket No. CWA-07-2004-0171)
)
)
Proceedings under)
Section 309(a)(3))
of the Clean Water Act,)
33 U.S.C. § 1319(a)(3))
_____)

On March 30, 2004 the United States Environmental Protection Agency ("EPA") issued a Findings of Violation and Order for Compliance ("Order"), pursuant to the authority of Section 309(a)(3) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(a)(3), to Respondent Lynn Kirkpatrick (Docket No. CWA-07-2004-0171).

The March 30, 2004 Order alleged that Respondent's discharges of pollutants from a point source into the North Wyaconda River, a water of the United States, were performed without a permit issued pursuant to 404 of the CWA, 33 U.S.C. § 1344, and therefore these discharges violated Section 301 of the CWA, 33 U.S.C. § 1311.

Respondent accepted service of the March 30, 2004 Order by signature of certified mail on or before April 6, 2004. Pursuant to Paragraph B.2 of the March 30 2004 Order, Respondent was required to submit a Restoration Plan to the EPA within thirty (30) days of his receipt of the Order, or by May 6, 2004. By an Amendment effective on June 3, 2004, the deadline for submission of a Restoration Plan was extended until June 15, 2004, in order to allow the EPA to accommodate Respondent's request for an inspection of the locations of the discharges into the North Wyaconda River ("discharge sites"). On June 15, 2004, an EPA representative inspected the discharge sites. Based on the June 15, 2004 inspection, the EPA has provided counsel for Respondent information regarding the requirements for the proper preparation of a Restoration Plan that reflects current conditions at the discharge sites.

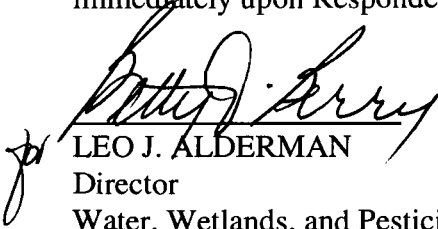
Paragraph B.2 of the March 30, 2004 Order is hereby amended to allow the deadline for submittal of the required Restoration Plan to be specified as July 31, 2004. The purpose of this

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amendment is to allow the Respondent the opportunity to properly prepare and submit the Restoration Plan required under the March 30, 2004 Order.

Effective Date

This Second Amendment of the terms of the March 30, 2004 Order shall be effective immediately upon Respondent's attorney's receipt of a telefaxed transmission of the document.


LEO J. ALDERMAN
Director
Water, Wetlands, and Pesticides Division

07/02/04
DATE


HOWARD C. BUNCH
Assistant Regional Counsel
Office of Regional Counsel

07/09/04
DATE

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CERTIFICATE OF SERVICE

I certify that on the date noted below I transmitted the foregoing Amendment to the Findings of Violation and Order for Compliance were served by the means noted to the parties below:

By telefax and certified mail, return receipt requested, to:

Mr. Larry S. Phillips, Esq
(Attorney for Respondent, Lynn Kirkpatrick)
Box 158
(106 North 4th)
Edina, Missouri 63437

By certified mail to:

Lynn Kirkpatrick, Respondent
Route 1, Box 160
Arbela, Missouri 63432

Date

7/9/07

A handwritten signature in black ink, appearing to be "L. S. Phillips", written over a horizontal line.