

Notice

In accordance with Section 309(g)(4)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), notice is hereby given that a Complaint and Consent Agreement/Final Order is proposed with J&S Feedlots, Inc., "Respondent"), who owns and operates a cattle feeding operation in Colfax County, Nebraska.

Under the Clean Water Act, the Environmental Protection Agency ("EPA") is authorized to issue orders

assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after beginning either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to Section 309 of the Clean Water Act. Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, EPA alleges that Respondent had illegal discharges of pollutants from its concentrated animal feeding operation into waters of the United States, in violation of Section 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. Respondent has reached agreement with EPA on the terms of a proposed Complaint and Consent Agreement/Final Order which would resolve this matter. Under the proposed Complaint and Consent Agreement/Final Order, Respondent will pay a civil penalty of \$47,000. Final approval of the proposed Complaint and Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Complaint and Consent Agreement/Final Order for a period of forty (40) days from the date of publication of this notice. The procedures by which the public may submit written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint and Consent Agreement/Final Order, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2005-0241. In order to provide opportunity for public comment EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

Date: 6/1/05
 Leo J. Alderman, Director
 Water, Wetlands and
 Pesticides Division 6-23t

Proof of Publication

State of Nebraska

County of Dodge } ss.

Kathleen Kauffold being first duly
 (name)

sworn, deposes and says she is the
 (he or she)

editor of Criterion
 (position) (name of publication)

a weekly legal newspaper having a bona
 (weekly, daily, etc.)

fide circulation of more than 300 copies published
 in Dodge
 (name of town)

Nebr.; and said newspaper has been published for at
 least 52 consecutive weeks prior to publication of at-
 tached notice; that said publication is of general cir-
 culation; that attached notice was published one

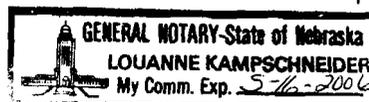
time (s) on June 23 2005
 (dates)

Kathleen Kauffold
 (signature)

Subscribed to in my presence
 and sworn to before me this

5th day of July, 2005

Louanne Kampschneider
 Notary Public



Publication Fee \$ 32.21