

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
Nebraska Department of Roads)
)
and) SECOND AMENDMENT TO
) FINDINGS OF VIOLATION/
Hawkins Construction Company) ORDER FOR COMPLIANCE
) ON CONSENT
Respondents)
) Docket No. CWA -07-2007-0040
)
)
)
Proceedings under Section 309(a) of the)
Clean Water Act, 33 U.S.C. § 1319(a))

SECOND AMENDMENT

Pursuant to Paragraph 39 of the FINDINGS OF VIOLATION/ ORDER FOR COMPLIANCE ON CONSENT, Docket No. CWA -07-2007-0040 (Mitigation Order), by mutual agreement, the Parties hereby agree to amend the Mitigation Order. All provisions of the original Mitigation Order remain in full force and effect except the first and second sentences of Paragraph 27 which shall be replaced as set forth below and shall be incorporated into the Mitigation Order and become effective upon signature of all Parties.

Replacement Sentences in Paragraph 27

Respondents agree that they shall submit to EPA copies of the easements covering the ten acres described in Paragraph 26a herein, file stamped by the relevant county's Register of Deeds no later than October 23, 2008. Failure to submit file-stamped copies of conservation easements by October 23, 2008, or failure to submit file-stamped copies of the easements that contain the provisions set forth in Attachment 2, shall be considered a violation of this Order on Consent.

September 4, 2008
Date

Karen A. Flourney
William A. Spratlin, Director
Water, Wetlands, and Pesticides Division
U. S. Environmental Protection Agency Region VII

September 2, 2008
Date

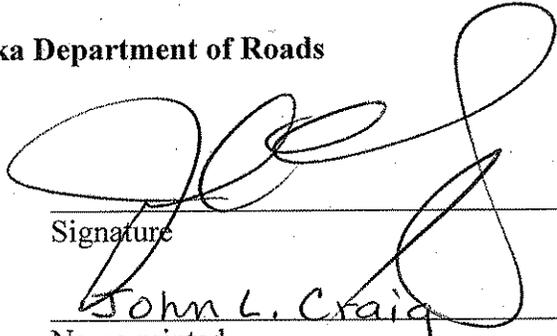
Audrey B. Asher
Audrey B. Asher
Senior Counsel
U. S. Environmental Protection Agency Region VII

In the Matter of Nebraska Department of Roads and Hawkins Construction Company
Docket No. CWA-07-2007-0040

The undersigned representative of the Nebraska Department of Roads certifies that he or she is authorized to enter into this Second Amendment to Order for Compliance on Consent and to execute and legally bind the Nebraska Department of Roads to the terms and conditions of this Amendment to Order for Compliance on Consent and meets the requirements for authorized signatory found in 40 C.F.R. § 122.22.

For Respondent Nebraska Department of Roads

Aug 27 2008
Date


Signature

John L. Craig
Name printed

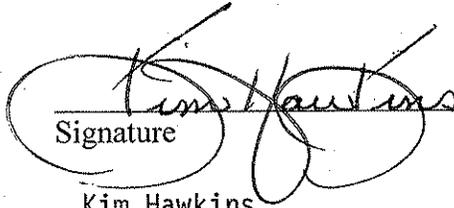
Director
Title printed

***In the Matter of Nebraska Department of Roads and Hawkins Construction Company
Docket No. CWA-07-2007-0040***

The undersigned representative of Hawkins Construction, Company certifies that he or she is authorized to enter into this Second Amendment to Order for Compliance on Consent and to execute and legally bind Hawkins Construction Company to the terms and conditions of this Amendment to Order for Compliance on Consent and meets the requirements for authorized signatory found in 40 C.F.R. § 122.22.

For Respondent Hawkins Construction Company

8/29/08
Date


Signature

Kim Hawkins
Name printed

President
Title printed

IN THE MATTER OF Nebraska Department of Roads and Hawkins Construction
Company, Respondents
Docket No. CWA-07-2007-0040

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Second Amendment to Findings of Violation/Order for Compliance on Consent was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Audrey B. Asher
Senior Assistant Regional Counsel
Region VII
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Jennifer A. Huxoll, Esq.
Attorney General Office – Road's Section
1500 Highway 2
P.O. Box 94759
Lincoln, Nebraska 68509-4759

And Tom R. Wilmoth, Esq.
Husch Blackwell Sanders LLP
206 S. 13th Street, Suite 1400
Lincoln, Nebraska 68508

Dated: 9/8/08


Kathy Robinson
Hearing Clerk, Region 7