

Affidavit in Proof of Publication

STATE OF KANSAS
WYANDOTTE COUNTY

_____ of _____

THE BONNER SPRINGS
CHIEFTAIN being first duly sworn.
Deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation on a weekly basis in Leavenworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published weekly 52 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for _____ week/consecutive weeks, the first publication thereof being made as aforesaid on April 28, 2005 with subsequent publications being made on the following dates:

_____, 20____, _____, 20____
_____, 20____, _____, 20____
_____, 20____, _____, 20____

Julie DeF... *Adv. Bookkeeper*
Subscribed and sworn to before me this _____

May 5 _____, 2005

Notary Public

My Appointment expires _____
Publication Charges \$ _____
Notary and Affidavit \$ _____
Additional Copies \$ _____
Total Due \$ _____

(First published in the Bonner Springs Chieftain, Thursday, April 28, 2005)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act ("CWA"), 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), the Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Lei Valley Redevelopment, LLC (Respondent), located at 13125 No. 9 Richland (P.O. Box 372), Bonner Springs, Wyandotte County, Kansas, for alleged violations of the Clean Water Act at 13700 Kansas Avenue in Bonner Springs, Wyandotte County, Kansas.

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after filing a Complaint commencing 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 33 U.S.C. § 1319(g)(4)(A). Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22. In this case, the EPA is filing a Complaint against Respondent that alleges that Respondent had an illegal discharge of pollutants into waters of the United States, in violation of Section 301 of the Clean Water Act, 33 U.S.C. §§ 1311. The EPA alleges that Respondent failed to obtain a permit for the discharge of storm water runoff from a construction site prior to discharging pollutants into waters of the United States. The Complaint proposes to assess a penalty of \$15,994 for the above violations of the Clean Water Act pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and based upon the facts stated in the Complaint, the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, ability to pay, any prior history of such violation, the degree of culpability, economic benefit or savings resulting from the violation, and such other matters as justice may require.

The EPA will receive written comments on the proposed Administrative Penalty Assessment for a period of thirty (30) 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, 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-07-2005-0220. 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.

04/20/05
Date

/s/ Betty J. Berry, for
Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division
U.S. EPA, Region VII