



## U.S. Environmental Protection Agency

### Region 7

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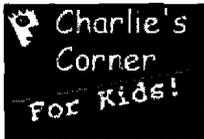
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## CWA Public Notice - Boyer Young Real Estate Company, La Vista, Nebraska

### 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 Boyer Young Real Estate Company, a business located at 9805 Giles Road, La Vista, Sarpy County, Nebraska, for alleged violations at The Palisades construction site located at 168th Street and Cornhusker Road, Omaha, Sarpy County, Nebraska.

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 the Respondent failed to obtain permits required pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, and therefore violated Section 301 of the CWA, 33 U.S.C. § 1311. In conjunction with the Complaint, EPA is filing a Consent Agreement and Final Order which resolves the alleged violations. Under the proposed Consent Agreement and Final Order, the assessed civil penalty is Forty-two Thousand and Six Hundred Dollars (\$42,600). Respondent will pay Twenty-five Thousand and Nine Hundred and Fifty Dollars (\$25,950) in cash, and the remainder of the civil penalty will be mitigated through performance by Respondent of a Supplemental Environmental Project. The Supplemental Environmental Projects require Respondent to expend at least Twenty-eight Thousand and Six Hundred and Seventy-two Dollars (\$28,672) for the construction, conservation and management of a palustrine emergent wetland in Douglas County, Nebraska. Final approval of the proposed Consent Agreement and Final Order is subject to the requirements of 40 C.F.R. § 22.45.

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-07-2006-0097. 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.

1/18/07  
Date

/s/ Betty J. Berry for  
William A. Spratlin  
Director  
Water, Wetlands, and Pesticides  
Division  
U.S. EPA, Region 7

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URL:

[http://www.epa.gov/region07/laws\\_regulations/CWA/2007/boyer\\_young\\_real\\_estate\\_co\\_lavista\\_ne012207.htm](http://www.epa.gov/region07/laws_regulations/CWA/2007/boyer_young_real_estate_co_lavista_ne012207.htm)