

 **HAYES Environmental, L.L.C.**

A Women-owned Business Enterprise

Certified Mail

08 February 2007

Melissa A.C. Bagley  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency – Region VII  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Subject: Docket No. CWA-07-2006-0097

Dear Ms. Bagley,

Please note this submittal is subsequent to the initial submittal dated 11 January 2007. This February submittal has been prepared to satisfy comments from EPA.

Item 2 of the Final Order issued in the document titled Complain and Consent Agreement and Final Order (Docket No. CWA-07-2006-0097) requires the following: 1) Notification of completion of SEP, 2) Description of activities completed in implementation of said SEP, and 3) Itemized accounting of costs incurred with statement signed by Respondent.

- 1) The SEP required the creation of 0.82 acres of palustrine emergent wetland. A total of 5.01 acres\* of palustrine emergent wetland was constructed in S14, T16N, R11E, Douglas County NE during the spring of 2006.
- 2) Construction activities associated with the wetland project adhered to guidelines established in the Supplemental Environmental Project (SEP) Plan, completed in April 2006. Activities included stripping/stockpiling of topsoil, excavation, topsoil replacement, wetland seeding, buffer seeding, cover crop seeding, and sign installation.

Signs were installed around the perimeter of the wetland the first week of December, 2006.

The first annual monitoring report of the entire 5.01 acre wetland (including the 3.30 acres required by the Corps and 0.82 SEP acres) was prepared by HAYES

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\* The Corps required a total of 3.30 acres of wetland be created to offset impacts. The total acreage of the constructed wetland project is 5.01 acres, with 0.89 acres located within an Omaha Public Power District easement. Therefore, a total of 4.12 acres of the constructed 5.01 acres has been created for the purposes of mitigation/SEP.

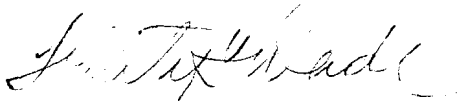
Environmental LLC and later submitted to Mr. Matt Wray (Omaha District Corps of Engineers) on 28 November 2006. The monitoring report was provided to EPA as an attachment to the 11 January 2007 submittal.

- 3) An itemized accounting of costs incurred for implementation of the SEP was provided by E&A Consulting Group and is included with this letter as Attachment 1. The accounting spreadsheet, signed by the Respondent, states: *I certify that the information accompanying this submittal is true, accurate, and complete. I am aware that there are significant penalties for submitting false information to the United States, its agencies and departments, including the possibility of fine and imprisonment for knowing violations.*

This supplemental submittal package satisfies Item 2 of the Final Order. This package is being submitted on behalf of the Respondent – Boyer Young Real Estate Development per the request of Koley Jessen P.C.

Please do not hesitate to contact me with any questions regarding this submittal package. I can be reached at 402.289.4714. Thank you.

Sincerely,  
HAYES Environmental LLC



Trilety G. Wade

TGW/jmj

Attachment 1 –Itemized Accounting of SEP Project Cost – signed by Respondent

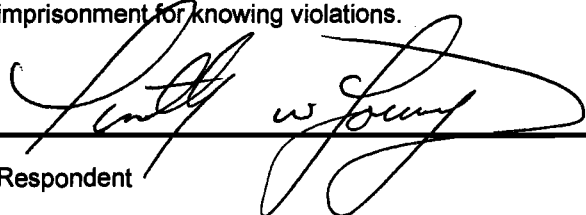
Cc: Mr. Mark Boyer – Boyer Young, with attachment (standard post)  
Mr. Tim Young – Boyer Young, with attachment (standard post)  
Mr. Dave Petrocchi – Boyer Young, with attachment (standard post)  
Mr. Mark Westergard – E&A Consulting Group, with attachment (standard post)  
Ms. Stacia Palser – Koley Jessen, with attachment (standard post)

**ACTUAL COSTS**  
**PALISADES WETLAND MITIGATION (AT THE HERITAGE)**  
12/28/2006 (Revised 1/5/07)

ITEM	DESCRIPTION	DOCUMENTATION SOURCE	QUANT.	UNIT	UNIT PRICE	TOTAL
1	STRIP & STOCKPILE TOPSOIL	FINAL PAY ESTIMATE (SUDBECK)	4,041	CY	\$ 0.81	\$ 3,273.21
2	EARTHWORK (EXCAVATION)	FINAL PAY ESTIMATE (SUDBECK)	40,000	CY	\$ 0.92	\$ 36,800.00
3	RESPREAD TOPSOIL	FINAL PAY ESTIMATE (SUDBECK)	3,637	CY	\$ 0.83	\$ 3,018.71
4	WETLAND SEED (MATERIAL ONLY)	SEED TAGS & INVOICE	75	LBS.	\$ 85.00	\$ 6,375.00
5	BUFFER SEED (MATERIAL ONLY)	SEED TAGS & INVOICE	26	LBS.	\$ 10.00	\$ 260.00
6	COVER CROP SEED (MATERIAL ONLY)	SEED TAGS & INVOICE	150	LBS.	\$ 0.20	\$ 30.00
7	GROUND PREPARATION, TRACTOR WITH HARROW	CONTRACTOR	10	HR.	\$ 70.00	\$ 700.00
8	SEEDING, TRACTOR WITH SEEDER	CONTRACTOR	6	HR.	\$ 70.00	\$ 420.00
9	SIGNAGE	INVOICE	4	SIGNS	\$ 20.00	\$ 80.00
10	LAND COST	WARRANTY DEED	7.61	ACRE	\$ 13,285.00	\$ 101,098.85
<b>TOTAL ACTUAL COST</b>						<b>\$ 152,055.77</b>
<b>TOTAL ESTIMATED SEP COST</b>						<b>\$ 30,411.15 **</b>

\*\* Per EPA, the SEP costs have been estimated at 20% of the actual total project costs

I certify that the information accompanying this submittal is true, accurate, and complete.  
I am aware that there are significant penalties for submitting false information to the  
United States, its agencies and departments, including the possibility of fine and  
imprisonment for knowing violations.

  
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Respondent