



## Region 7

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# Ken Petska, Valley County, NE

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

The EPA is providing notice of opportunity to comment on the proposed assessment of an administrative penalty against Ken Petska for violations of Section 404 of the Clean Water Act, 33 U.S.C. § 1344, in Valley County, Nebraska. Under 33 U.S.C. 1321(b)(6), EPA is authorized to issue orders assessing administrative penalties for violations of the Act. The EPA may issue such orders after filing a Complaint commencing a Class II penalty proceeding. The EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1321(b)(6)(C).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. 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. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On January 12, 2009, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551-7630, the following complaint: In the Ken Petska; EPA Docket No. CWA-07-2009-0014.

The Complaint proposed a penalty of \$40,500 for the unpermitted discharge of pollutants to waters of the United States and the failure to apply for a Section 404 permit with the U.S. Army Corps of Engineers.

**FOR FURTHER INFORMATION CONTACT:** Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by Mr. Petska is available as part of the administrative record subject to provisions of law restricting public disclosure of confidential information. 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 document.

01/12/2009  
Date

/s/ Karen A. Flournoy for  
William A. Spratlin  
Director  
Water, Wetlands, and Pesticides Division  
U.S. EPA, Region 7