

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 U.S. Environmental Protection Agency (EPA) is providing notice of a proposed Administrative Penalty Assessment against Mr. William Gapiord (Respondent), who is a person with an address of 911 Country Club Drive, Butler, Missouri 64730.

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 a permit 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 on property which the Respondent controlled along the Little Osage River and an unnamed tributary to Little Osage River located just outside of Stotesbury, Vernon County, Missouri, and property along the Osage River near Papinville, Bates County, Missouri. The Complaint proposes a penalty of \$137,500 for the above violations of the Clean Water Act.

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 7, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2006-0057.

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.

12/12/05 Date

Betty J. Berry for
Leo J. Alderman
Director, Water, Wetlands, and
Pesticides Division
U.S. EPA, Region 7

AFFIDAVIT OF PUBLICATION

Date:

STATE OF MISSOURI)
COUNTY OF BATES) ss.

I, CA Moore, being duly sworn according to law, state that I am the Publisher of news Xpress, a weekly/daily newspaper of general circulation in the County of Bates, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Butler, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following consecutive issues:

- 1st
Insertion: Vol. 35 No. 52, 30 day of Dec 20 05
- 2nd
Insertion: Vol. ___ No. ___, ___ day of ___ 20__
- 3rd
Insertion: Vol. ___ No. ___, ___ day of ___ 20__
- 4th
Insertion: Vol. ___ No. ___, ___ day of ___ 20__

Fee 62.00

CA Moore
Publisher's Signature

Subscribed and sworn to before me on this 30 day of Dec, 2005.

Carol A. Peters
Notary Public

My commission expires 3-22-07.