

**AFFIDAVIT OF PUBLICATION**

STATE OF MISSOURI )  
County of Jackson ) SS.

I, **BEN F. WEIR, JR.**, being duly sworn according to law, state that I am PUBLISHER and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, 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 issues:

Commencing on FEBRUARY 11, 2005

and ending on FEBRUARY 11, 2005, being the issues of:

FEBRUARY 11, 2005

being Volume 100 Numbers: 231

Signed *Ben F. Weir Jr.*

Subscribed and sworn to before me on this 11TH day of FEBRUARY, 2005.

*Marsha Leonard*  
Notary Public, Marsha Leonard

My commission expires May 4, 2008

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**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, 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 Hidden Ridge, L.L.C., a corporation located at P.O. Box 1298, Blue Springs, Jackson County, Missouri 64013, for alleged violations at the Shadow Glen Townhomes construction site located at 300 Woods Chapel Road in Blue Springs, Jackson County, Missouri.  
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 associated with an industrial activity into waters of the United States, in violation of Section 303 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1313. The EPA alleges that Respondent failed to comply with the terms of a National Pollutant Discharge Elimination System (NPDES) permit, including the failure to maintain pollution control measures, failure to install and/or implement appropriate construction practices and structural controls, and failure to adequately perform and document site inspections. 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 Thirty-six Thousand and Seventy-nine Dollars (\$36,179).  
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 the 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-07-200-0114. In order to provide opportunity for public comment, the EPA will issue no final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.  
Date: 01/27/05

Betty J. Be...  
for Leo J. Alderm...  
Director, Water, Wetlands, and Pesticides Division  
U.S. EPA, Region  
February 11, 2005