

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101

06 MAR 22 PM 3: 25

ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

)

) Docket No. CWA-07-2006-0030

)

PROVIDENCE DEVELOPMENT  
COMPANY, L.L.C.

)

)

PROVIDENCE ON PEINE DEVELOPMENT

)

)

) NOTICE OF PROPOSED PENALTY

WENTZVILLE, MISSOURI

)

)

)

)

)

Respondent,

)

)

Proceedings under Section 309(g) of the  
Clean Water Act, 33 U.S.C. § 1319(g)

)

)

)

)

)

**NOTICE OF PROPOSED PENALTY**

**Background**

1. On November 28, 2005 the U.S. Environmental Protection Agency (“EPA” or “Complainant”) initiated an administrative action (“Complaint”) for the assessment of civil penalties pursuant to Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22.

2. The Complaint served as notice that the EPA has reason to believe that Respondent has violated Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and regulations promulgated thereunder.

3. Service of the Complaint was achieved on December 2, 2005, when service was accepted by an agent of Daniel E. O'Connell, Esq., the individual listed by the Missouri Secretary of State as the Organizer for Providence Development Company, LLC.

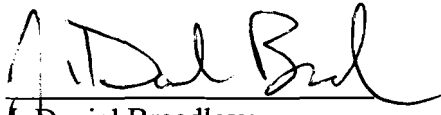
4. Providence Development Company has not filed an answer as required by 40 C.F.R. Part 22.

5. The Complaint proposed the issuance of a Final Order Assessing an Administrative Penalty against the Respondent for the violations cited in the Complaint, in the amount of up to \$11,000 per day for each day during which a violation occurred on or after January 31, 1997, up to a maximum of \$137,500, and \$11,000 per day for each day during which a violation occurred on or after March 16, 2004, up to a maximum of \$157,500. However, the Complaint did not propose a specific penalty for the violations cited.

**Proposal of Specific Penalty**

6. Complainant hereby proposes a penalty of \$90,000 for the violations cited in the Complaint.

3/22/06  
Date

  
Daniel Breedlove  
Attorney for Complainant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I hand delivered the original and one true copy of this Notice of Proposed Penalty to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

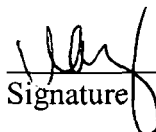
I further certify that on the date noted below I sent by certified mail, return receipt requested, a true and correct copy of the signed original Notice of Proposed Penalty to:

Daniel E. O'Connell, Esq.  
Organizer for Providence Development Company L.L.C.  
100 S. Fourth Street  
Suite 1100  
St. Louis, Missouri 63102

Providence Development Company, LLC  
Attn: Eric Johnson  
1005 Callahan Road  
Wentzville, Missouri 63385

3/22/06

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature