



## U.S. Environmental Protection Agency

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## CWA Public Notice - Monte Cannon, Troy, Missouri

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In accordance with Section 309(g)(4)(A) of the Clean Water Act ("ACWA"), 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 ("AEPA") is providing notice of a proposed Administrative Penalty Assessment against Mr. Monte Cannon ("Respondent"), who is a person with an address of 193 North Lincoln Drive, Troy, Missouri 63379.

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 owns along Buchanan Creek in Troy, Lincoln County, Missouri. In conjunction with the Complaint, EPA is filing a Consent Agreement and Final Order which resolves the alleged violations. The Complaint and Consent Agreement and Final Order propose a penalty of \$57,000 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 VII, 901 N. Fifth Street, Kansas City, Kansas 66101. Please reference Docket No. CWA-07-2007-0046. In order to provide opportunity for public comment, EPA will not issue a final order assessing a penalty in this proceeding prior to forty (40) days from the date of this notice.

06/06/07  
Date

/s/ Betty J. Berry for  
William A. Spratlin  
Director  
Water, Wetlands, and Pesticides  
Division  
U.S. EPA, Region VII

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URL: [http://www.epa.gov/region07/laws\\_regulations/CWA/2007/monte\\_canon\\_troy\\_mo060807.htm](http://www.epa.gov/region07/laws_regulations/CWA/2007/monte_canon_troy_mo060807.htm)