

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 N. 5<sup>TH</sup>

KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF: ) AMENDMENT TO  
) ORDER FOR COMPLIANCE  
LYNN KIRKPATRICK )  
Route 1, Box 160 )  
Arbela, Missouri 63432 )  
)  
)  
Respondent ) Docket No. CWA-07-2004-0171  
)  
)  
Proceedings under )  
Section 309(a)(3) )  
of the Clean Water Act, )  
33 U.S.C. § 1319(a)(3) )  
)  
\_\_\_\_\_ )

On March 30, 2004, the United States Environmental Protection Agency ("EPA"), issued a Findings of Violation and Order for Compliance ("Order"), pursuant to the authority of Section 309(a)(3) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(a)(3), to Respondent Lynn Kirkpatrick (Docket No. CWA-07-2004-0171).

The March 30, 2004 Order alleged that Respondent's discharges of pollutants from a point source into a water of the United States were performed without a permit issued pursuant to 404 of the CWA, 33 U.S.C. § 1344, and therefore these discharges violated Section 301 of the CWA, 33 U.S.C. § 1311.

Respondent accepted service of the March 30, 2004 Order by signature of certified mail on or before April 6, 2004. Pursuant to Paragraph B.2 of the March 30 2004, Order, the Order requires Respondent to submit a Restoration Plan to EPA within thirty (30) days of his receipt of the Order, or by May 6, 2004. Paragraph B.2 of the March 30, 2004 Order is hereby amended to allow the deadline for submittal of the required Restoration Plan to be specified as June 15, 2004. The purpose of this amendment is to allow EPA the opportunity to conduct a site visit to Respondent's property before the required submittal of the Restoration Plan.

**Effective Date**

This Amendment of the terms of the March 30, 2004 Order shall be effective immediately upon Respondent's attorney's receipt of a telefaxed transmission of this pleading.



LEO J. ALDERMAN  
Director  
Water, Wetlands, and Pesticides Division  
U.S. Environmental Protection Agency - Region VII

5/28/04  
DATE



HOWARD C. BUNCH  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency - Region VII

6/1/04  
DATE

CERTIFICATE OF SERVICE


I certify that on the date noted below I transmitted the foregoing Amendment to the Findings of Violation and Order for Compliance were served by the means noted to the parties below:

**By telefax and certified mail, return receipt requested, to:**

Mr. Larry S. Phillips, Esq  
(Attorney for Respondent, Lynn Kirkpatrick).  
Box 158  
(106 North 4th)  
Edina, Missouri 63437

**By certified mail to:**

Lynn Kirkpatrick, Respondent  
Route 1, Box 160  
Arbela, Missouri 63432

06/1/09                        
Date