

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

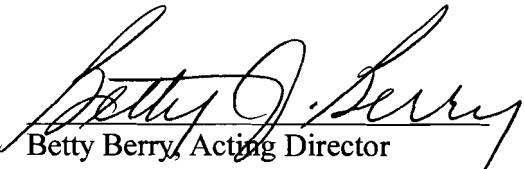
In accordance with Section 309(g)(4)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), notice is hereby given that a Complaint and Consent Agreement/Final Order is proposed with Gunnett LLC, (“Respondent”), regarding its Town & Country Villages Development located at 2455 Jackson Street in Ozark, Missouri..

Under the Clean Water Act, the Environmental Protection Agency (“EPA”) is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. The EPA may issue such orders after beginning 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 Section 309 of the Clean Water Act. Class II proceedings are conducted under EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this case, EPA alleges that Respondent, among other things, had an inadequate Stormwater Pollution Prevention Plan, failed to install appropriate Best Management Practices, and failed to maintain pollution control and stabilization measures. The EPA further alleges that these violations resulted in illegal discharges of sediment from its development into waters of the United States, in violation of Section 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342. Respondent has reached agreement with EPA on the terms of a proposed Complaint and Consent Agreement/Final Order which would resolve this matter. Under the proposed Complaint and Consent Agreement/Final Order, Respondent will pay a civil penalty of \$33,532, plus interest. Final approval of the proposed Complaint and Consent Agreement/Final Order is subject to the requirements of 40 C.F.R. § 22.45.

The EPA will receive written comments on the proposed Complaint and Consent Agreement/Final Order for a period of forty (40) 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 and Consent Agreement/Final Order, 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-07-2006-0068. 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.

04/14/06
Date


Betty Berry, Acting Director
Water, Wetlands, and Pesticides Division