

AFFIDAVIT OF PRINTER

The State of Nebraska, Saunders County: ss.

I, Lisa Bustad, being first duly sworn on her Oath deposes and states that

THE WAHOO NEWSPAPER OF WAHOO, Saunders County, Nebraska is a lawful

weekly Newspaper under the statutes of the State of Nebraska, printed, published, and of

general circulation in Saunders County, Nebraska; that affiant is an employee of said

Newspaper, that she knows that the above

and foregoing Notice, a copy of which is

attached hereto, was printed and published

in the regular and entire issue of said

Newspaper and not in any supplement

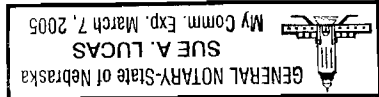
thereof on December 16, 2004.

Subscribed in my presence and sworn

to before me this 16th day of December, 2004

Notary Public

Publishers Fee \$ 38.35



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 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 ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Mr. Roger Harders ("Respondent"), who is a person with an address of 1775 County Road M, Wahoo, Nebraska 68066. 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 owned along an unnamed tributary to Cottonwood Creek located just outside of Wahoo, Saunders County, Nebraska. The Complaint proposes a penalty of sixty six thousand dollars (\$66,000) 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-07-2004-0331. 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.

BETTY J. BERRY
Director
Water, Wetlands,
and Pesticides Division
U.S. EPA, Region VII
Date: 12-01-04
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