

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 7, 901 North 5th Street, Kansas City, KS 66101

### **EXPEDITED SETTLEMENT AGREEMENT**

Docket Number: CWA-07-2006-0259, NPDES No.:IA-9738-9536 - | All ||: 36

ENVIRORME HAL PROTECTION AGENCY-REGION VII REGIONAL HEARING CLERK

Country Club East, L.L.C. ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$6,950. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C.

§ 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective thirty (30) days from the date it is signed by the Appropriate Official, Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

U.S. EPA, Region 7 P.O. Box 371099M Pittsburgh, PA 15251

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22.

William A. Spratlin Director Water, Wetlands, and Pesticides Division APPROVED BY RESPONDENT:

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

Date Documber 200

Robert J. Pátrick

Title (print):

Signature:

Regional Judicial Officer

# **Expedited Settlement Offer Worksheet**

Deficiencies Form
Consult instructions regarding eligibility criteria
and procedures prior to use

IA: General Permit No. 2



	LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number						
1	Country Club East, L.L.C.		(309) 755-5478	IA-9738-9536	333				
	109 Beacon Harbor Parkway								
	East Moline, IL 61244	1 at 1	Inspector Name:	Pete Green					
		. 10 / 무량	Inspector Agency:	US EPA					
			Entrance Interview Conducted:	Yes	3				
			Exit Interview Conducted:	Yes					
	LOCATION AND ADDRESS OF SITE		Exit Interview given to:	Brian Speer					
2	Pebble Creek, 5th Addition	***	Exit Interview time:	Date:	04/21/2006				
	Interstate 80 and 35th Street	and the second of the second of		4. 68.					
ľ	Le Claire, IA 52753								
			1						
			<u>                                     </u>						

	FACILITY DESCRIPTION / CONTACT NAMES					
	Name of Site Contact (ESO Worksheet recipient):	Brian Speer				10.00
	Name of Authorized Official (40 CFR 122.22):	Brian Speer				4 50%
i	Inspection Date:	04/20/2006				
	Start Construction Date:	06/01/2005				
	Estimated Completion Construction Date:	06/01/2010				100
	If Unpermitted, Number of Months Unpermitted:		100 100 No. 10			
	Name of Receiving Water Body (Indicate whether 303(d) listed):	Unnamed tributary	to Spencer Creel		19	*****
	Acres Currently Disturbed   Acres to be Disturbed in Whole Common Plan:	87	. A MACESTO	87.00		
	Has Operator Requested Rainfall Erosivity or TMDL Walver per 44 CFR 122.26(b)(15)?	G. S. Sent PROC.				

	PERMIT COVERAGE	Notes	Citation Reference**	State Citation Reference***	R C A*	No. of Deficien- cies	Dollar Amount	Total
3	Operator unpermitted formonths (# months unpermitted equals number of violations)		CWA 301	IAC 567-64.6(1)			\$500.00	=
	SWPPP REVIEW							
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A	IAGP IV	343		\$5,000.00	=
5	SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A	IAGP IV			\$75.00	=
6		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	CGP 3.1.B	N/A	× .:	*		
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control	A STATE OF THE STA	CGP 3.3.A	IAGP IV(D)(7)		a great	\$500.00	=
8	SWPPP does not have site description, as follows:	Missing general location map.						
Ī	A Nature of activity in description	tana ila brakit da keti	CGP 3.3.B.1	IAGP IV(D)(1)(A)	Ī .		\$100.00	=
Г	B Intended sequence of major activities	그 그 이동에 가 그렇게 하는 시험점이	CGP 3.3.B.2	IAGP IV(D)(2)			\$100.00	=
Ī	C Total disturbed acreage		CGP 3.3.B.3	IAGP IV(D)(1)(B)	7,000		\$100.00	=
Ī	D General location map		CGP 3.3.B.4	IAGP IV(D)(1)(D)	Yes	1	X \$100.00	
ı	E Site map		CGP 3.3.C	IAGP IV(D)(1)(D)		· · · · · · · · · · · · · · · · · · ·	\$500.00	
Ī	F Site map does not show drainage patterns,		CGP 3.3.C.1-8	IAGP IV(D)(1)(D)			\$50.00	
	slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)							
	G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D	N/A				
9		· · · · · · · · · · · · · · · · · · ·	and the high text to					
	A Describe all pollution control measures (e.g. BMPs)	A AND THE RESERVE OF THE PARTY	CGP 3.4.A	IAGP IV(D)(2)			\$750.00	=
	B Describe sequence for implementation		CGP 3.4.A	IAGP IV(D)(2)			\$250.00	=
	C Detail operator(s) responsible for implementation		CGP 3.4.A	IAGP IV(D)(7)			\$250.00	=
10	practices	- 300	CGP 3.4.B	IAGP IV(D)(2)(A)(1)			\$250.00	=
11	practices		CGP 3.4.B	IAGP IV(D)(2)(A)(1)		2000	\$250.00	=
12	SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B	IAGP IV(D)(2)(A)(1)			\$250.00	=

14 SV pr flor flor flor flor flor flor flor flo	collowing dates are not recorded: major grading activities; construction temporarily or permanently reased; stabilization measures initiated (count reased; stabilization measures initiated (count reach omission under 13 as 1 violation)  SWPPP does not have description of structural reactices to divert flows from exposed soils, retain ows, or limit runoff from exposed areas  SWPPP does not have a description of measures to list the stability of the construction recess to control pollutants in storm water discharges that will occur AFTER construction reperations have been completed  SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit swPPP does not describe measures to minimize off-site vehicle tracking and generation of dust swPPP does not include description of construction or waste materials expected to be tored on site w/updates re: controls used to educe pollutants from these materials  SWPPP does not have description of pollutant ources from areas other than construction asphalt or concrete plants) w/ updates re: controls or reduce pollutants from these materials  SWPPP does not identify allowable sources of on-storm water discharges listed in subpart 1.3.8 or educe pollutants from these materials  SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm vater discharges indangered Species Act documentation is not in swPPP listoric Properties (Reserved)		CGP 3.4.C.1-3  CGP 3.4.D  CGP 3.4.F  CGP 3.4.G  CGP 3.4.H  CGP 3.4.I	IAGP IV(D)(2)(A)(2) IAGP IV(D)(2)(B) IAGP IV(D)(2)(C) IAGP IV(D)(2)(C)(2) IAGP IV(D)(2)(C)(1) N/A IAGP IV(D)(5)	Yes		×	\$500.00 \$500.00 \$500.00 \$500.00	) =	\$500 \$500 \$250
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21 SV of wa 22 Er SV 23 Hi	If the CGP  WPPP does not identify/ensure implementation of pollution prevention measures for non-storm vater discharges indangered Species Act documentation is not in swPPP		CGP 3.5	IAGP IV(D)(5)			1 1	\$500.00	' ⁼	\$500
of wa 22 Er SV 23 Hi	of pollution prevention measures for non-storm vater discharges indangered Species Act documentation is not in SWPPP		CGP 3.5	IAGP IV(D)(5)					Ш	
22 Er SV 23 Hi	vater discharges Indangered Species Act documentation is not in				Yes	1	Х	\$500.00	기=	\$500
22 Er SV 23 Hi	indangered Species Act documentation is not in SWPPP				1					
23 Hi		1 a a a a a a a a a a a a a a a a a a a	CGP 3.7	N/A	+		Н		H	
	listoric Properties (Reserved)				0037				Ш	///
24 Co	isione riopenies (iteserved)			N/A					Ш	
	copy of permit and/or NOI not in SWPPP (count		CGP 3.8	IAGP	╫	1000	+		Н	
	ach omission under 24 as 1 violation)		001 0.0	II(C)(1)(G)(3)			П		II	
	WPPP is not consistent with requirements		CGP 3.9	IAGP IV(D)(2)(D)	1	,	П	\$750.00	7=	
	pecified in applicable sediment and erosion site lans or site permits, or storm water management						$\mathbf{I}$		11	
	lans or site permits, or storm water management					ľ	$  \cdot  $		H	
	ocal officials (e.g., MS4 requirements)						Ш		$\mathbf{I}$	
							$\bot$		14	
	WPPP has not been updated to remain onsistent with changes applicable to protecting		CGP 3.9	N/A			П			
	urface waters in State, Tribal or local erosion		]			l .	П			
pla	lans	The second s			,	· ·			Ш	
	copies of inspection reports have not been	1.00	CGP 3.10.G	IAGP V(A)			П	\$500.00	=	
	etained as part of the SWPPP for 3 years from ate permit coverage terminates						Ш			
28 SV	WPPP has not been updated/modified to reflect	3 temporary sediment traps/basins; 2	CGP 3.11.C	IAGP IV(D)(4)(B)		2	Tx	\$50.00	1=	\$100
ch	hange at site effecting discharge, or where	Directional berms				· ·	Ш		Ш	
	spections identify SWPPP/BMPs as ineffective, pdates to SWPPP regarding modifications to						11		Ш	
l lup	MPs not made within 7 days of such inspection	and the second s			-				Ш	
	count each omission under under 28 as 1									
	iolation)						Ш		Ш	
	copy of SWPPP not retained on site  SWPPP not made available upon request		CGP 3.12.A CGP 3.12.C	IAGP V(B)	1, 0 3	CONTRACTOR OF	₩	\$500.00 \$500.00		
	WPPP not right made available upon request		CGP 3.12.D	IAGP V(B)		(A) 1 1 6 1 .	╂┤	\$500.00		
		<u> </u>					$\prod$		Ц	
	ISBECTIONS									
	NSPECTIONS spections not performed and documented either	12 months without weekly inspections	CGP 3.10.A,	IAGP IV(D)(4)	Yes	12	<b>1</b> √1	\$250.00	<u> </u>	\$3,000
		and inspections after 0.5" rainfall events.		(0)(4)	1.55	14	1^[	Ψ2.00.00		φ3,000
wi	rithin 24 hours after storm event greater than					3.00			П	
	.5 inches or greater (not required if; temp	그 사람이 얼마를 다 하는데			ľ					
	tabilization; runoff unlikely due to winter onditions; construction during and periods in and						$\ \cdot\ $			
	reas) (Count each failure to inspect and	and the South					Ш			
do	ocument as one violation).				Ш		$\sqcup$		Ц	
	No inspections conducted and documented (if True, then leave elements 32-39 blank)			IAGP IV(D)(4)	Yes	FALSE		True or	1 1	
	Number of Inspections expected if performed	50			Н			False		
	every 7 days:						Ш		Ш	
	Number of Inspections expected if performed bi-	0		N/A	15.		П			
	weekly:  If known, number of days of rainfall of >0.5"	13 // /			( · · · ·		₩		Н	
.	and the second s	in the second of the second of							П	•

32		Inspections not conducted by qualified personnel	1	CGP 3.10.D	IAGP IV(D)(4)			г	\$50.00	=	
							<u></u>			Ш	
33	1	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E	IAGP IV(D)(4)(A)		Na veliniji ili		\$50.00		
34		All pollution control measures not inspected to ensure proper operation		CGP 3.10,E	IAGP IV(D)(4)(A)				\$50.00	=	
35		Discharge locations are not observed and		CGP 3.10.E	IAGP IV(D)(4)(A)				\$50.00	=	
36		For discharge locations that are not accessible,		CGP 3.10.E	N/A		a service.	$\vdash$		$\vdash$	
37		nearby locations are not inspected  Entrance/exit not inspected for off-site tracking	The state of the s	CGP 3.10.E	IAGP IV(D)(4)(A)	-		₩	\$50.00	╁	
3/		Entrance/exit not inspected for on-site tracking					S 1			Ш	
38	ļ	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates		CGP 3.10.G	IAGP IV(D)(4)(C)				\$50.00	=	
		(count each omission under 38 as 1 violation)						]			
39		Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G	IAGP IV(D)(4)(C)	85,			\$50.00	=	
		AVAILABILITY OF RECORDS									
40		Sign/notice not posted  Does not contain copy of complete NOI		CGP 3.12.B CGP 3.12.B	N/A N/A			-		$\dashv$	
ŀ		Location of SWPPP or contact person for		CGP 3.12.B	N/A			$\vdash$		$\dagger \dagger$	
		scheduling viewing times where on-site location for SWPPP unavailable not noted on sign								Ш	
	_ [	BEST MANAGEMENT PRACTICES	<u></u> -								
41		No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water	. 19 C V V V	CGP 3.13.F	IAGP IV(D)(2)(B)(2)			\$	500.00	=	
42		Control measures are not properly: Selected, installed and maintained	Failure to maintain slit fence; curb inlet; ditch check.	CGP 3.13.A	IAGP IV(D)(2)	Yes	2	X \$	500.00	=	\$1,00
+	В	Maintenance not performed prior to next anticipated storm event		CGP 3.6.B	N/A			$\vdash$		†	
		(count each failure to select, install, maintain each BMP as one violation									
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B	N/A						
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)	And	CGP 3.13.C	IAGP IV(D)(2)(C)(1)			\$4	500.00	<b>=</b>	
45		Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D	IAGP IV(D)(2)(A)(1)	Yes		X \$	500.00		\$50
F		*Exceptions:			N/A	,				+	
ļ	$\exists$	(a) Snow or frozen ground conditions		- V.	N/A					$oldsymbol{\mathcal{I}}$	
L	_	(b) Activities will be resumed within 14 days			N/A					4	
46		(c) Arid or Semi-arid areas (<20 inches per Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1	IAGP IV(D)(2)(A)(2)(a)			\$1,0	000.00	=	
-	-	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2	IAGP IV(D)(2)(A)(2)(a)			\$1,0	00.00	=	
	В	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more	rak ya kata in arawa kata i Arawa in arawa kata in araw	CGP 3.6.C	N/A						
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		CGP 3.13.E.3	IAGP IV(D)(2)(A)(2)(b)			\$	500.00	=	
		Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C	N/A					$\top$	
		SMALL BUSINESS EVALUATION									
		Is the Owner/Operator a Small Business?	<del></del>					$\overline{}$	$\overline{}$	$\neg$	

A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all employs 100 or fewer indivitudals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.



Total Expedited Settlement:

\$6,950

\* Requires Corrective Action
\*\* NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm
\*\*\* lowa Department of Natural Resources NPDES General Permit No.2 issued by IDNR on October 1, 2002 - http://www.iowadnr.com/water/stormwater/index.html

# IN THE MATTER OF Country Club East, LLC, Respondent Docket No. CWA-07-2006-0259

#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to Attorney for Complainant:

Kristina Kemp Assistant Regional Counsel Region VII United States Environmental Protection Agency 901 N. 5<sup>th</sup> Street Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Brian Speer Managing Member Country Club East, LLC 109 Beacon Harbor Parkway East Moline, Illinois 61244

Dated:

Kathy Robinson

Hearing Clerk, Region 7