

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-07-2009-0029, NPDES No.:MO-R109BX1

09 JUL 10 AM 9:46

"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 APPROVED BY EPA: 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 William A. Spratlin 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 \$7,450. 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. Having determined that this Agreement is authorized by law, 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 **Fines and Penalties** Cincinnati Finance Center PO Box 979077 St. Louis, MO 63197-9000

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,

EMVIROIGHENIAL K T&S Venture Group, L.L.C. ("Respondent") is a or future civil or criminal violation of the Act of of any nother." federal statute or regulation. EPA does not warve its right to significant 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.

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.

_ Date_ July 19, 2009

IT IS SO ORDERED:

Robert L. Patrick

Regional Judicial Officer

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

MO-R109



LEGAL NAME AND MAILING ADDRESS OF OPERATOR Telephone Number	NPDES Permit Number
1 T & S Venture Group, L.L.C.	MO-R109BX1
PO BOX 331	
Branson, MO 65615	Lyle Cowles
Inspector Agency:	US EPA
Entrance Interview Condu	ucted: Yes
Exit Interview Conducted:	Yes
LOCATION AND ADDRESS OF SITE Exit Interview given to:	Scott Klempel
2 Stone Valley Estates Exit Interview time:	12:45 Date: 11/19/2008
Branson Hillis Parkway	
Branson, MO 65615	,
Didison, MO.00019	

	Z	ACILITY DESCRIPTION / CONTACT NAMES	
		Name of Site Contact (ESO Worksheet recipient):	
		Name of Authorized Official (40 CFR 122.22):	Thomas Boyce
		Inspection Date:	
	-	Start Construction Date:	10/01/2007
		Estimated Completion Construction Date:	10/01/2010
		If Unpermitted, Number of Months Unpermitted:	4 months
1. (Name of Receiving Water Body (Indicate whether 303(d) listed):	Unnamed Tributary to Bee Creek
1		Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	6.44
		Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	

		PERMIT COVERAGE	Notes	Citation Reference**	State Citation Reference***	R C A*	No. of Deficien- cies		Dollar Amount		Total
3		Operator unpermitted formonths (# months	Start date Oct. 2007, permit isued on Feb. 22, 2008.	CWA 301	10 CSR 20-6.010		4	X	\$500.00		\$2,000
		SWPPP REVIEW									
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A	MOGP p.5(7)			1	\$5,000.00	=	
5		SWPPP prepared but prepared after construction start (# of months = # of violations)	100 (100 (100 (100 (100 (100 (100 (100	CGP 3.1.A	MOGP p.5(7)	0.00	E VENE	X	\$75.00	=	
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents.	SWPPP does not identify potential sources of pollution	CGP 3.1.B	MOGP p.7(8)(i)				\$250.00		\$250
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A	N/A						
8		SWPPP does not have site description, as follows:	SWPPP does not describe the nature of activity or the intended sequence of								
	Α	Nature of activity in description	major activities.	CGP 3.3.B.1	MOGP p.5(8)(a)	150	3.44	Ш	\$100.00		\$100
İ		Intended sequence of major activities		CGP 3.3.B.2	MOGP p.6(8)(c)	220	31313		\$100.00	=	\$100
		Total disturbed acreage		CGP 3.3,B.3	MOGP p.5(8)(a)				\$100.00	=	
		General location map		CGP 3.3.B.4	MOGP p.5(8)(a)	1000			\$100.00	=	
1		Site map		CGP 3.3.C	MOGP p.6(8)(c)	311.2		П	\$500.00	=	
munihadalili ili Perina da	F	Site map does not show drainage patterns, 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		CGP 3.3.C.1-8	MOGP p.6(8)(c) & (d)			X	\$50.00	=	
		Location/description industrial activities, like concrete or asphalt batch plants		CGP 3,3,D	N/A	1000 1000 1000 1000 1000 1000 1000 100				0000 6896695a	
9		SWPPP does not:						Ш		90 1922	
	Α	Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A	MOGP p.6(8)(c)				\$750.00		
	В	Describe sequence for implementation		CGP 3.4.A	MOGP p.6(8)(c)				\$250.00	=	
	Ĉ	Detail operator(s) responsible for implementation		CGP 3.4.A	N/A				,		
10		SWPPP does not describe interim stabilization practices		CGP 3.4.B	MOGP p.6(8)(f)	ACTA GENA NUMBER			\$250.00		
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B	MOGP p.6(8)(f)	2015 2015 2015 2015			\$250.00		
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B	MOGP p.6(8)(c)				\$250.00	=	

				CGP 3.4.C.1-3	N/A	\$85315	925-5275-5570				
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		OGF 3.4.0.1-0							
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain		CGP 3.4.D	MOGP p.7(8)(g)				\$500.00	=	
15		flows, or limit runoff from exposed areas SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction		CGP 3.4.E	MOGP p.7(8)(j)				\$500.00	=	
16	1.00	operations have been completed SWPPP does not describe measures to prevent discharge of solid materials to waters of the US,		CGP 3.4.F	MOGP p.7(8)(i)				\$500.00	*	
17		except as authorized by 404 permit SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G	MOGP p.6(8)(f)				\$500.00	==	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to	Not described in SWPPP	CGP 3.4.H	MOGP p.7(8)(i)		1		\$250.00	=	\$250
19		reduce pollutants from these materials SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4,I	N/A						
- 20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5	MOGP p.2(2)				\$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5	N/A		2000 (23) 1, 150 (23)				
22		Endangered Species Act documentation is not in SWPPP Historic Properties (Reserved)		CGP 3.7	N/A N/A		March 1981				
23 24		Copy of permit and/or NOI not in SWPPP (count		CGP 3.8	N/A						
25		each omission under 24 as 1 violation) SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or tocal officials (e.g., MS4 requirements)		CGP 3.9	N/A						
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9	N/A	120					-
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G	MOGP p.8(10)				\$500.00		
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 3.11.C	MOGP p.7(9)	100		X	\$50.00		
29		Copy of SWPPP not retained on site		CGP 3.12.A CGP 3.12.C	MOGP p.9(4) MOGP p.9(1)	255		4	\$500.00 \$500.00		
30		A SWPPP not made available upon request SWPPP not signed/certified		CGP 3.12.D	N/A	15716 15716 15716 15711					
1		INSPECTIONS	•								
.31	List of the control o	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and	months of Nov 2007; Jan-Sept 2008; and Nov 2008.	CGP 3.10.A, 13.10.B	MOGP p.8(10)			X	\$250.00) =	\$2,750
	7000	document as one violation). No inspections conducted and documented (if True, then leave elements 32-39 blank)			MOGP p.8(10)	2021 2020 2020 2020 2020	01077 055	4	True o Falsi		
		Number of Inspections expected if performed every 7 days: Number of Inspections expected if performed by	59 il 29		N/A						
		weekly: If known, number of days of rainfall of >0.5"									
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to storage of materials and which exposed to precipitation not inspected to precipitation not inspected to precipitation not inspected to ensure proper operation of the property of the prope	Compared on metalina and which exposed to proceed processing the processing of the process of	32	Inspections not conducted by qualified personnel		CGP 3.10.D	N/A						
precipiosion not improved. All politicis correct measures instruspected to company and provided to company and according to the com	renception on not imported. All pauliants or otherwise measures risk inspected to SGP 3.10 E. MOGP p.8(10)	33	All areas disturbed by construction activity or used		CGP 3,10.E.	MOGP p.8(10)			_	\$50.00	=	
Section of Contract	Comment of the control of the contro										_	····
Section Commence	Social Content of Co				CGP 3.10.E.	MOGP p.8(10)				\$50.00	_	
Section of such and proceed or of ministration of accessables CGP 3.10.E M/A	GP 9.10.E NA NA Section Se	35	Discharge locations are not observed and		CGP 3.10.E.	MOGP p.8(10)				\$50.00	=	
Site inspection report does not include data, name and qualifications of imperiod with a comparison of the control of the co	Selections of impaction of profit does not include data, submitted in the profit does not include a submitted data and submitte	36	For discharge locations that are not accessible,		CGP 3.10.E	N/A	0.46					
significance of section and section of section embryollularial discharge, BMP(s) requiring maintenance, BMP(s) required more sealed count each failure to to significant sealed and country and sealed and sealed sealed and sealed seale	services and implement regions one situations. Automotive information, location of sedimental production and information (accessed on a sedimental production and information (accessed on a sedimental post of the sedimental sediment				CGP 3.10.E.	MOGP p.8(10)			ऻ	\$50.00	=	
training and qualifications of inspector, weather electromagnetic policy and the control of sequence of the control of t	Separation of requestor, weather information, location of sedimentary billiant discharge, BMP(e) requiring maintenance, BMP(e) required maintenance, BMP(e) requiring maintenance, BMP(e	20	Oits insenting and door not include: date		CGP 3 10.G	MOGP-p.8(10)			X	\$50.00	=	
Segment Segm	Section Sect		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						Attanton	-		
AD Des not contain copy of complete NOI B Location of SWPPP or contact person for scheduling levining times where on-site location for SWPPP unavailable not noted on sign in SWPPP unavailable noted	A Does not contain acry of complete NOI B Location of SWPPP or contact person for scheduling velving times where on-site location for SWPPP or contact person for scheduling velving times where constituted in sign	39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3:10.G	MOGP p.8(10)			Х	\$50.00	=	
AD Des not contain copy of complete NOI B Location of SWPPP or contact person for scheduling levining times where on-site location for SWPPP unavailable not noted on sign in SWPPP unavailable noted	A Does not contain acry of complete NOI B Location of SWPPP or contact person for scheduling velving times where on-site location for SWPPP or contact person for scheduling velving times where constituted in sign	<u> 1134</u>			,	·············						
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41 No velocity dissipation devices located at discharge locations or unital channels to ensure and discharge locations or unital channels to ensure and discharge locations or unital channels to ensure and control measures are not properly. A Selected, installed and maintained service and construction of the selected installed and maintained services and construction of the selected installed and maintained services and construction of the selected installed and maintained services and construction of the selected install, maintain each SMP as one violation. 43 When sediment excepts the site, it is not removed at a frequency necessary to minimize off-site impacts. 44 Ulter, construction debries, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (a. g. screening outfalls, pictup daily, etc.). 54 Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporatily opermanently ceased within 14 days after such cessation. 55 Stabilization measures are not initiated as soon as construction of the site where construction activities have temporatily opermanently ceased within 14 days after such cessation. 55 Stabilization measures are not initiated as soon as construction of the site where construction activities have temporatily opermanently ceased within 14 days after such cessation. 55 Stabilization measures are not initiated as soon as construction of the site where construction	11 No velocity dissipation devices located at discharge locations or outside channels to ensure in contensive flow to receiving water in contensive flow to receiving water. 2 Control measures are not properly. 3 Selected, installed and maintained semination of the selection o											
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A Selected, installed and institutined 8 Maintenance not performed prior to next anticipated storm everent (count each failure to select, install, maintain each BMP as one violation 8 Maintenance not performed prior to next anticipated storm everent (count each failure to select, install, maintain each BMP as one violation 8 Mynes ediment escapes the site, it is not removed at a frequency necessary to minimize off-eitled impacts 40 When sediment escapes the site, it is not removed at a frequency necessary to minimize off-eitled impacts 41 Littler, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g., screening) outsils, pickup delity, etc.) 42 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 43 Exceptions: (a) Snow or frozen ground conditions (b) Activities will be resumed within 14 days (c) Arid or Semi-arid areas (<20 inches per defined in the composition of the compositio	A Seected, installed and hallmand street to select, install, maintain each shiften on preferred prior to next anticipated storm event (Count each failure to select, install, maintain each BMP as one violation BMP as one violation shows the street of the seed at a frequency necessary to minimize off-site impacts 40			The process of the contract of		MOCD = 5/7\ 2		E A	H	\$500.00	=	\$2.0
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	SMALL BUSINESS EVALUATION	A			CGP 3.6.C	N/A	3000		×			

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 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.

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Total Expedited Settlement:

\$7,450

* Requires Corrective Action
** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm
*** Missouri State Operating Permit General Permit, Issued by MDNR on March 8, 2002 - http://www.dnr.mo.gov/env/wpp/permits/wpcpermits-stormwater.htm

IN THE MATTER OF T&S Venture Group, LLC, Respondent Docket No. CWA-07-2009-0029

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:

Sarah LaBoda Assistant Regional Counsel Region VII United States Environmental Protection Agency 901 N. 5th Street Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Tom Boyce, Member T&S Venture Group, LLC P.O. Box 331 Branson, Missouri 65615

Dated: 71009

Cathy Robinson

Hearing Clerk, Region 7