



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

October 22, 2020

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Deborah Green  
Chief Operating Officer  
Big River Resources, LLC  
1100 SE 2<sup>nd</sup> Street  
Galva, Illinois 61434  
Deb.Green@bigriverresources.com

Re: SPCC Expedited Settlement Agreement  
Big River Resources, LLC Docket No: **CWA-05-2021-0002**

Dear Ms. Green,

Enclosed, please find a signed, fully-executed SPCC Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on **October 22, 2020**, with the Regional Hearing Clerk (RHC).

We have received the copy of the check payable to the Environmental Protection Agency for the civil penalty in the amount of \$1,719.

Thank you for your cooperation in resolving this matter. If you have any questions or concerns regarding this matter, please contact Silvia Palomo, of my staff, at 312-353-2172 or at palomo.silvia@epa.gov.

Sincerely,

**MICHAEL HANS**  
Michael E. Hans, Chief  
Chemical Emergency Preparedness and Prevention Section

Digitally signed by MICHAEL HANS  
Date: 2020.10.22 09:56:07 -05'00'

Enclosures



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5, 77 W. JACKSON BOULEVARD, CHICAGO, ILLIONIS 60604**

**EXPEDITED SPILL PREVENTION CONTROL AND COUNTERMEASURE  
SETTLEMENT AGREEMENT**

In the matter of Big River Resources Galva, LLC

Docket No CWA-05-2021-0002

On April 25, 2019, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of Respondent's facility known as Big River Resources Galva, LLC at 1100 SE 2<sup>nd</sup> Street, Galva, Illinois (the facility) to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 C.F.R. Part 112 under Section 311(j) of the Clean Water Act, as amended, (33 U.S.C. § 1321(j)), (the "Act" or "CWA"). EPA determined that Big River Resources Galva, LLC (Respondent), as owner or operator of the facility, violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan Inspection Findings, Alleged Violations, and Proposed Penalty Form ("Violations Form") which is hereby incorporated by reference. By its signature below, EPA ratifies the inspection findings and alleged violations set forth in the Violations Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violations Form for a penalty of \$1,719. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 C.F.R. § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations and has violated the regulations as further described in the Violations Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violations Form. Respondent admits to the facts in the first paragraph of this Settlement Agreement and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations identified in the Violations Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention

regulations and that Respondent has submitted evidence that the deficiencies have been corrected (or that the violations will be corrected and the facility brought into full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing). Upon signature and return of this Expedited Settlement Agreement, Respondent has provided payment of the civil penalty.

The payment made pursuant to this Consent Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and, therefore, Respondent shall not claim it as a tax deductible expenditure for purposes of federal, state or local law.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice. Moreover, in entering into this Consent Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Consent Agreement.

This Expedited Settlement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b). The parties consent to service of this Expedited Settlement Agreement and Final Order by e-mail at the following valid e-mail addresses: [Wood.nicole@epa.gov](mailto:Wood.nicole@epa.gov) (for Complainant), [Deb.Green@bigriverresources.com](mailto:Deb.Green@bigriverresources.com) (for Respondent).

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be shared with the U.S. EPA Cincinnati Finance Office. A copy of the Expedited Settlement will be emailed to the Respondent.

If Respondent does not sign and return this Expedited Settlement as presented and pay the civil penalty of \$1,719 within 30 days of the date of its receipt of the Expedited Settlement, or within an extension timeframe approved by the EPA, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violations Form.

After this Expedited Settlement becomes effective, EPA will take no further civil penalty action against Respondent for the alleged violations of the Oil Pollution Prevention regulations described in the Violations Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or

future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

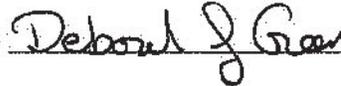
 Digitally signed by  
DOUGLAS BALLOTTI  
Date: 2020.10.19  
10:38:43 -05'00' Date: 10/19/20

Douglas Ballotti, Director  
Superfund and Emergency Management Division  
U.S. Environmental Protection Agency  
Region 5

APPROVED BY RESPONDENT:

Name (print): Deb Green

Title (print): Chief Operating Officer

Signature:  Date: 10-6-20

IT IS SO ORDERED:

 Digitally signed by ANN  
COYLE  
Date: 2020.10.22  
13:55:31 -05'00' Date: \_\_\_\_\_

Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

Expedited Settlement Agreement  
In the matter of: Big River Resources, LLC  
Docket Number: [CWA-05-2021-0002](#)

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number [CWA-05-2021-0002](#) which was filed on [October 22, 2020](#) in the following manner to the following addresses:

Copy by E-mail to  
Respondent:

Deborah Green  
[Deb.Green@bigriverresources.com](mailto:Deb.Green@bigriverresources.com)

Copy by E-mail to  
SPCC Contact:

Silvia Palomo  
[palomo.silvia@epa.gov](mailto:palomo.silvia@epa.gov)

Copy by E-mail to  
Attorney for Complainant:

Nicole Wood  
[wood.nicole@epa.gov](mailto:wood.nicole@epa.gov)

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: \_\_\_\_\_

\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5