



REGION 8

DENVER, CO 80202

FILED

2/12/2025

9:00 AM

**U.S. EPA REGION 8
HEARING CLERK**

In the Matter of:

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EXPEDITED SETTLEMENT

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AGREEMENT

Dean's Bulk Service, Inc.

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Respondent

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Docket No.: CWA-08-2025-0006

On July 10, 2024, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection of the Dean's Bulk Service warehouse at 301 East Hemlock Blvd, Brandon, South Dakota. This warehouse is owned and/or operated by Dean's Bulk Service, Inc. (Respondent). The purpose of the inspection was to determine compliance with the Spill Prevention Control and Countermeasure regulations at 40 C.F.R. Part 112, Subparts A-C, which were promulgated under Section 311(j) of the Clean Water Act (Act), 33 U.S.C. § 1321(j).

As a result of the inspection, the EPA has found that Respondent, a "person" as defined in section 311(a)(7) of the Act, 33U.S.C. § 1321(a)(7), violated the regulations as described in attached Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form (Violations Form), which is hereby incorporated by reference.

Respondent and the undersigned EPA Complainant enter into this Expedited Settlement Agreement (Consent Agreement) to settle Respondent's federal civil penalty liability for the violations set forth in the Violations Form. This Consent Agreement and any final order by an EPA Regional Judicial Officer ratifying this Consent Agreement (Final Order) will commence and conclude this action pursuant to Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the violations set forth in the Violations

Form have been corrected.

Respondent consents to the assessment of a penalty in the amount of **\$1,525.00**. Respondent agrees that it shall, within **30 calendar days** of the date of issuance of the Final Order, make payment in this amount by any of the methods provided on the website <https://www.epa.gov/financial/makepayment>, a printout of which is attached and entitled "Payment Instructions." The payment shall also indicate it is payable to "Oil Spill Liability Trust Fund-311" and be identified with the docket number that appears on the Final Order. Within 24 hours of payment, Respondent shall also e-mail proof of payment to each of the following:

Dennis Jaramillo, Environmental Engineer
Enforcement and Compliance Assistance Division
Region 8, U.S. Environmental Protection Agency
Jaramillo.dennis@epa.gov

and

Kate Tribbett, Regional Hearing Clerk
Region 8, U.S. Environmental Protection Agency
Tribbett.kate@epa.gov

The term "proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements.

If Respondent fails to timely pay the full amount of the penalty, the EPA is authorized to recover any unpaid amount of the penalty, plus interest (at the IRS standard underpayment rate), enforcement expenses such as attorneys' fees and costs of collection proceedings, and a 20% quarterly non-payment penalty. For more information, see 33 U.S.C. § 1321(b)(6)(H), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11. Consistent with Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), Respondent will not deduct penalties paid under this Consent Agreement for federal tax purposes.

This Consent Agreement and the Final Order will resolve only the federal civil

penalty claims for the specific violations alleged in the Violations Form. This settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal statutes or regulations, to enforce the provisions of this Consent Agreement and the Final Order. This Consent Agreement and the Final Order do not constitute a waiver, suspension or modification of the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and they do not affect the right of the EPA or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent neither admits nor denies the allegations set forth above, but Respondent admits that the EPA has jurisdiction over this matter under section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and 40 C.F.R. part 22. For the purposes of this proceeding, Respondent waives (i) any right to contest the allegations in this Agreement, (ii) any rights or defenses Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and (iii) any right to appeal or challenge the lawfulness of any final order ratifying this Agreement.

Complainant and Respondent consent to service of this Consent Agreement and the Final Order at the following valid email addresses: livingston.peggy@epa.gov (for Complainant), and Dean's Bulk Service, Inc (for Respondent).

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Consent Agreement and to bind Respondent to it. Complainant agrees to accept Respondent's digital or original signature on this Agreement.

SIGNATURE BY RESPONDENT:

Expedited Penalty Action and Consent Agreement

Dean's Bulk Service, Inc.

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Signature

Ryan Torsfeldt

Date

2/8/2025

Name and Title (print):

Ryan Torsfeldt

CEO

Mailing Address:

PO Box 249

Barnesville, MN 56514

Email Address:

ryan@dbsoil.com

Telephone:

701-371-0424

SIGNATURE BY EPA COMPLAINTANT:

Date

Sri Susarla, Manager

RCRA and OPA Enforcement Branch

Region 8, U.S. Environmental Protection Agency

1595 Wynkoop Street

Denver, Colorado 80202

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) and (c), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is hereby ORDERED to comply with all terms of the Consent Agreement, effective upon the date of signature of this Final Order.

Regional Judicial Officer

Date

