



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**

06 DEC -1 AM 11:36

ENVIRONMENTAL 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:

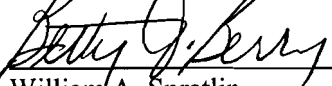
**U.S. EPA, Region 7
 P.O. Box 371099M
 Pittsburgh, PA 15251**

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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

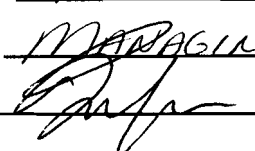
a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

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.

APPROVED BY EPA:

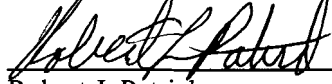

 _____ Date: 11/17/06
 William A. Spratlin
 Director
 Water, Wetlands, and Pesticides Division

APPROVED BY RESPONDENT:

Name (print): BRIAN SPEER
 Title (print): MANAGING MEMBER
 Signature:  Date: 9-15-06

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: December 1, 2006
 Robert J. Patrick
 Regional Judicial Officer

Expedited Settlement Offer Worksheet
Deficiencies Form
 Consult instructions regarding eligibility criteria
 and procedures prior to use



IA: General Permit No. 2

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

FACILITY DESCRIPTION / CONTACT NAMES	
Name of Site Contact (ESO Worksheet recipient):	Brian Speer
Name of Authorized Official (40 CFR 122.22):	Brian Speer
Inspection Date:	04/20/2006
Start Construction Date:	06/01/2005
Estimated Completion Construction Date:	06/01/2010
If Unpermitted, Number of Months Unpermitted:	
Name of Receiving Water Body (Indicate whether 303(d) listed):	Unnamed tributary to Spencer Creek
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	67 87.00
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 Deficiencies	Dollar Amount	Total
3 Operator unpermitted for _____ months (# 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			\$5,000.00 =	
5 SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A	IAGP IV			\$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, etc...		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		CGP 3.3.A	IAGP IV(D)(7)			\$500.00 =	
8 SWPPP does not have site description, as follows:	Missing general location map.						
A Nature of activity in description		CGP 3.3.B.1	IAGP IV(D)(1)(A)			\$100.00 =	
B Intended sequence of major activities		CGP 3.3.B.2	IAGP IV(D)(2)			\$100.00 =	
C Total disturbed acreage		CGP 3.3.B.3	IAGP IV(D)(1)(B)			\$100.00 =	
D General location map		CGP 3.3.B.4	IAGP IV(D)(1)(D)	Yes	1	\$100.00 =	\$100
E Site map		CGP 3.3.C	IAGP IV(D)(1)(D)			\$500.00 =	
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 areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8	IAGP IV(D)(1)(D)			\$50.00 =	
G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D	N/A				
9 SWPPP does not:							
A Describe all pollution control measures (e.g. BMPs)		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 SWPPP does not describe interim stabilization practices		CGP 3.4.B	IAGP IV(D)(2)(A)(1)			\$250.00 =	
11 SWPPP does not describe permanent stabilization practices		CGP 3.4.B	IAGP IV(D)(2)(A)(1)			\$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 =	

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:

\$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>

*** Iowa 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. 5th 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: 12/1/06



Kathy Robinson
Hearing Clerk, Region 7