



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

FEB 2 2010

REPLY TO THE ATTENTION OF:

WW-16J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Calvin M. Akin, President
Premier Real Estate Management, LLC
19105 West Capitol Drive (Suite 200)
Brookfield, Wisconsin 53045

**Re: Consent Agreement and Final Order, Premier Real Estate Management, LLC
(Docket No. CWA-05-2010-0002)**

Dear Mr. Akin:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO) we filed on February 2, 2010, resolving the complaint filed against you. Your civil penalty payment is due within 30 days of February 2, 2010. Please refer to Billing Docket No. 2751043W002, and the case Docket Number above when remitting payment. Payment obligations and instructions are noted in paragraphs 9 and 11 of the CAFO.

Thank you for resolving this matter. Should you have any questions, please do not hesitate to contact me at (312) 886-0124 or John Matson, Associate Regional Counsel at (312) 886-2243.

Sincerely,

A handwritten signature in black ink that reads "Gregory T. Carlson".

Gregory T. Carlson, Enforcement Officer
Watersheds and Wetlands Branch
U.S. EPA - Region 5

Enclosure

cc: Jayne Wade (w/ encl.), WDNR, 8770 Hwy J, Woodruff, WI 54568
Tim Smith (w/ encl.), USACOE, St. Paul, MN
Chris Knotts (w/ encl.), USACOE, 1314 Contractor's Blvd., Plover, WI 54467
John Matson (w/ encl.), ORC, C-14J

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No.: CWA-05-2010-0002
)	
Premier Real Estate Management, LLC,)	Proceeding to Assess a Class II Civil
Brookfield, Wisconsin,)	Penalty Under Section 309(g) of the
)	Clean Water Act, 33 U.S.C. § 1319(g)
Respondent.)	
)	CONSENT AGREEMENT
)	AND FINAL ORDER
<hr/>		

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**REGIONAL HEARING CLERK
USEPA
REGION 5**

CONSENT AGREEMENT

Complainant, the Director of the Water Division, United States Environmental Protection Agency, Region 5, and Respondent, Premier Real Estate Management, LLC (“Premier” or “Respondent”), wish to settle all matters pertaining to their involvement in this proceeding, and have consented to the entry of this Consent Agreement, and the accompanying Final Order.

NOW, THEREFORE, before the taking of any testimony, without the adjudication of any issue of fact or law, and upon the consent and agreement of the parties, it is hereby stated as follows:

1. EPA initiated this proceeding against Respondent for the assessment of a class II civil penalty pursuant to Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), by filing an administrative complaint on October 29, 2009 (“the Complaint”).
2. EPA’s Complaint alleges that between August and October of 2007, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1301(a), by discharging dredged or fill material, and/or controlling or directing the discharge of dredged or fill material, into wetlands which are waters of the United States, at three separate sites on an approximately 27 acre parcel of land owned by Respondent, located in the northwest quarter of the northwest quarter of

Section 33, Township 40 North, Range 10 East, Town of Lincoln, Vilas County, Wisconsin, without first obtaining a permit issued under Section 404 of the CWA, 33 U.S.C. § 1344.

3. Respondent has not filed an answer to the Complaint.

4. The parties have agreed that this matter should be settled without resort to a hearing or further proceedings, upon the terms set forth in this Consent Agreement.

Terms of Settlement

5. Respondent admits the jurisdictional allegations in the Complaint, and neither admits nor denies the factual allegations in the Complaint.

6. Upon execution of the Final Order, Respondent waives all of its rights to request a judicial or administrative hearing on any issue of law or fact set forth in the Complaint, or in this Consent Agreement, including, but not limited to, its right to request a hearing under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and its right to appellate review of the Final Order pursuant to Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B).

7. Respondent consents to the assessment of the civil penalty specified in this Consent Agreement, and to the terms of this Consent Agreement.

8. In consideration of the alleged violation, the environmental and compliance significance of this matter, and based upon the nature, circumstances, extent and gravity of the violations alleged in the Complaint, as well as Respondent's ability to pay, prior history of such violations, culpability, economic benefit or savings resulting from the alleged violations, and such other matters as justice may require, EPA has determined that an appropriate civil penalty to settle this action is \$31,500.

9. Respondent agrees to pay the \$31,500 civil penalty set forth in Paragraph 8 for the alleged violations set forth in the Complaint, by mailing a certified or cashier check made payable to "Treasurer, United States of America" to the following address:

[for checks sent by regular U.S. Postal Service mail]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for checks sent by express mail]

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

The effective date of this Consent Agreement is the date the signed Final Order is filed with the Regional Hearing Clerk, subject to the requirements of Section 309(g)(4)(C) of the Act, 33 U.S.C. 1319(g)(4)(C). Payment of the civil penalty is due within thirty (30) calendar days from the effective date. Respondent shall provide docket number CWA-05-2010-0002 on the check.

10. This civil penalty is not deductible for federal tax purposes.

11. When Respondent pays the civil penalty in accordance with Paragraph 9 above, Respondent shall simultaneously and separately send notice of such payment, including a copy of the check, to each of the following three parties at the address indicated:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

and

**John C. Matson
Office of Regional Counsel (C-14J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590**

and

**Gregory Carlson
Water Division (WW-16J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590**

12. Respondent's failure to pay the assessed civil penalty in accordance with Paragraph 9, above, will result in the referral of this matter to the United States Department of Justice for collection in accordance with Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. In addition to any unpaid balance and interest of this penalty, Respondent shall also be required to pay attorney fees and costs for collection.

13. Pursuant to 31 U.S.C. § 3717, interest shall accrue on any amounts overdue under the terms of this Consent Agreement, at the rate established by the Secretary of the Treasury. A late payment handling charge of \$15.00 will be imposed after 30 days, with an additional charge of \$15.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be assessed on any principal amount not paid within ninety days of its due date as listed in paragraph 9 of the Consent Agreement.

Public Notice

14. Pursuant to 33 U.S.C. § 1319(g)(4)(A), on October 29, 2009, EPA provided public notice of, and a reasonable opportunity to comment on, its proposed assessment against Respondent of a class II civil penalty pursuant to 33 U.S.C. § 1319(g). No person responded to the public notice of the commencement of this proceeding, and thus pursuant to section 309(g)(4)(c) of the CWA, 33 U.S.C. § 1319(g)(4)(C), no interested persons need be notified of the Consent Agreement, or of the issuance of the Final Order in this matter.

General Provisions

15. This Consent Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. This Consent Agreement does not affect the right of EPA, or the United States, to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

17. This Consent Agreement does not affect Respondent's obligation to comply with all applicable federal, state or local laws, regulations, requirements, and permits.

18. Each of the undersigned representatives of the parties certifies that he or she is authorized by the party whom he or she represents to enter into the terms and conditions of this Consent Agreement and to legally bind that party to it.

19. The Consent Agreement shall be binding upon EPA, and upon the officers, directors, employees, successors, and assigns of Respondent.

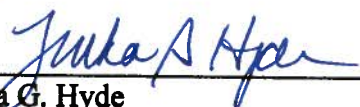
20. Each party shall bear its own costs, attorney fees and disbursements in this action.

21. EPA and Respondent agree to the issuance and entry of the accompanying Final Order.

22. This Consent Agreement constitutes the entire agreement between EPA and Respondent.

United States Environmental Protection Agency, Complainant:

Agreed to the 21st day of January, 2009¹⁰



Tinka G. Hyde
Director, Water Division
United States Environmental Protection Agency,
Region 5

Premier Real Estate Management, LLC, Respondent:

Agreed to the 8th day of Jan, 2009

Premier Real Estate Management, LLC,
Respondent



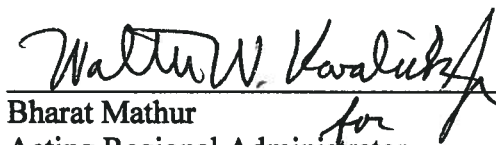
Calvin Akin
Owner

In the Matter of Premier Real Estate Management, LLC
Docket No.: CWA-05-2010-0002

FINAL ORDER

This Consent Agreement and this Final Order shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31

Dated: 1/19/10



Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency Region 5
Chicago, Illinois

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USEPA
REGION 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 02 2010

REPLY TO THE ATTENTION OF:

CERTIFICATE OF SERVICE

I, Gregory T. Carlson, hereby certify that an original of the Consent Agreement and Final Order (Docket No. CWA-05-2010-0002) was filed with the Regional Hearing Clerk on February 2, 2010, and that an original was served by United States Mail, Certified and Postage Prepaid, on the 2nd day of February 2010, upon the following:

Calvin M. Akin, President
Premier Real Estate Management, LLC
19105 West Capitol Drive (Suite 200)
Brookfield, Wisconsin 53045

A Consent Agreement and Final Order copy (Docket No. CWA-05-2010-0002) was served by United States Mail, Certified and Postage Prepaid, on the 2nd day of February 2010, upon the following:

Honorable Chief Judge Susan Biro
Chief Administrative Law Judge
Office of Administrative Law Judges (1900L)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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Gregory T. Carlson
U.S. Environmental Protection
Agency - Region 5 (WW-16J)
77 West Jackson Boulevard
Chicago, Illinois 60604