



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

JUL 30 2018

REPLY TO THE ATTENTION OF
WW-16J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Penni S. Livingston
Livingston Law Firm
690 Pleasant Ridge Rd.
Fairview Heights, Illinois 62208

Re: In the Matter of Ridge Prairie Farms, Inc. and Alan Begole
Case Docket No. **CWA-05-2018-0009**

Dear Ms. Livingston:

The enclosed Administrative Order on Consent (Order) is issued by the U.S. Environmental Protection Agency to your clients Ridge Prairie Farms, Inc. and Alan Begole pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a). The Order cites violations of Section 301 of the CWA, 33 U.S.C. § 1311, and outlines corrective actions that must be undertaken to resolve the violations.

Compliance with this Order is required within 30 days of the effective date of this Order or the timeframes outlined in the Order, whichever is sooner. This Order is effective immediately upon issuance. Failure to comply with this Order may subject your clients to further enforcement action.

Please direct questions concerning this matter to Mr. Yone Yu at (312) 886-2260. Legal questions can be directed to Ms. Susan Prout at (312) 353-1029.

Sincerely,

A handwritten signature in black ink that reads "Wendy J. Melger".

for

Peter Swenson, Chief
Watersheds & Wetlands Branch

Enclosure

cc: Alan Begole
11754 Emerald Mound School Road
Lebanon, IL 62254-2112

Ridge Prairie Farms, Inc.
7126 North Illinois Street
Caseyville, IL 62232

Danny D. McClendon, Chief
Regulatory Branch
U.S. Army Corps of Engineers, St. Louis District
1222 Spruce Street
St. Louis, MO 63103-2833

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Ridge Prairie Farms, Inc. of
Caseyville, IL**

and

**Alan Begole of
Lebanon, IL**

Respondents.



DOCKET NO. CWA-05-2018-0009

**ADMINISTRATIVE ORDER ON
CONSENT UNDER SECTION 309(a) OF
THE CLEAN WATER ACT,
33 U.S.C. § 1319(a)**

I. INTRODUCTION

1. The U.S. Environmental Protection Agency (“EPA”) makes the findings of fact set forth below (Section IV) and is issuing this Administrative Order on Consent (“Order”) to Ridge Prairie Farms, Inc. and Alan Begole, owner of Ridge Prairie Farms, Inc. (“Respondents”) under the authority of Section 309(a) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has redelegated this authority to the Director of the Water Division, of EPA Region 5.
2. This Order is mutually entered into by EPA and Respondents.
3. By entering into this Order, Respondents: (1) consent to EPA’s authority to issue and enforce this Order; (2) neither admit nor deny the factual allegations set forth in this Order; (3) agree to undertake all actions required by the terms and conditions of this Order; (4) consent to be bound by the requirements set forth herein; and (5) agree not to contest the authority of EPA to issue or enforce this Order or the validity of any terms or conditions in this Order.
4. For the purposes of this Order only, Respondents waive any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondents

may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

II. STATUTORY AUTHORITY

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with a permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344.
6. Section 404(a) of the CWA, 33 U.S.C. § 1344(a), provides that United States Army Corps of Engineers may issue permits for the discharge of dredged or fill material into the navigable waters at specified disposal sites.
7. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), provides that whenever EPA finds that any person is in violation of any condition or limitation that implements, *inter alia*, section 301 of the CWA, 33 U.S.C. § 1311, EPA shall issue an order requiring such person to comply with this section of the CWA.

III. DEFINITIONS

8. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines the term "person" as "an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body."
9. Section 502(12)(A) of the CWA, 33 U.S.C. § 1362(12)(A), defines the term "discharge of pollutants" as "any addition of any pollutant to navigable waters from any point source"
10. Section 502(6) of the CWA, 33 U.S.C. § 1362(6) defines a "pollutant" as "solid waste, . . . biological materials, . . . rock, sand, cellar dirt, . . . and agricultural waste discharged into water."

11. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines the term "point source" as "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or other vessel or floating craft, from which pollutants are or may be discharged."
12. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines the term "navigable waters" as "the waters of the United States including the territorial seas."
13. The term "Order" means this document, all attachments hereto, including the Wetland Restoration Plan ("Plan") that was submitted to and approved by EPA, and all subsequent modifications thereto.

IV. FINDINGS OF FACT AND LAW

Count 1 (Site 1)

14. One of the property parcels subject to this Order is located in Sections 5 and 6, Township 2 North, Range 6 West, St. Clair County, Illinois. It is known as Site 1. The current owners of record for Site 1 are Alan Begole, Ridge Prairie Farms, and the Irene Begole Trust (see Figure 1 for a map of Site 1).
15. Respondents Ridge Prairie Farms, Inc. and Alan Begole owned and/or operated the property at the time of the discharges described in paragraph 16 below.
16. From 2007 through 2012, and at other times known to Respondents, using a track hoe, high lift, and bulldozer, Respondents discharged dredged and fill material into navigable waters during the excavation of new channels in Little Silver Creek. This activity straightened a meandering stream, resulting in the loss of 1,709 linear feet of Little Silver Creek.
17. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).

18. The dredged and fill material referenced in paragraph 16 are "pollutants" as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
19. The discharge of dredged and fill material into navigable waters described in paragraph 16 is a "discharge of pollutants" as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
20. The track hoe, high lift, and bulldozer referenced in paragraph 16 are "point sources" as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
21. The stream on Site 1 is called Little Silver Creek, which is a tributary to Silver Creek. Silver Creek flows to the Kaskaskia River, a traditional navigable water. Little Silver Creek, Silver Creek, and the Kaskaskia River are "navigable waters" as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
22. At no time during the activities described in paragraph 16 did the Respondents possess a permit issued pursuant to section 404(a) of the CWA, 33 U.S.C. § 1341(a), authorizing the discharge of dredged and fill materials into Little Silver Creek at Site 1.
23. The Respondents are persons who discharged pollutants from point sources into navigable waters without a permit under section 404(a) of the CWA, 33 U.S.C. § 1341(a). Accordingly, each instance in which Respondents discharged pollutants into navigable waters is a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).
24. Each day the Respondents' discharged pollutants remained in navigable waters constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 2 (Site 2)

25. Another property parcel subject to this Order is located in the Southwest ¼ of Section 16, Township 2 North, Range 6 West, St. Clair County, Illinois. It is known as Site 2. The current owner of record for Site 2 is Begole Trust #2 (see Figure 2 for a map of Site 2).

26. Respondents Ridge Prairie Farms, Inc. and Alan Begole owned and/or operated the property at the time of the discharges described in paragraph 27 below.
27. From 2003 through 2004, and at other times known to Respondents, using a hydraulic excavator, high lift, and bulldozer, Respondents discharged dredged and fill material into navigable waters during the excavation of new channels in the East Branch Little Silver Creek. This activity straightened a meandering stream, resulting in the loss of 222 linear feet of the East Branch Little Silver Creek.
28. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).
29. The dredged and fill material referenced in paragraph 27 are "pollutants" as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
30. The discharge of dredged and fill material into waters of the U.S. described in paragraph 27 is a "discharge of pollutants" as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
31. The hydraulic excavator, high lift, and bulldozer referenced in paragraph 27 are "point sources" as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
32. The stream on Site 2 is called the East Branch Little Silver Creek, which is a tributary to Little Silver Creek. Little Silver Creek is a tributary to Silver Creek. Silver Creek flows to the Kaskaskia River, a traditional navigable water. East Branch Little Silver Creek, Little Silver Creek, Silver Creek, and the Kaskaskia River are "navigable waters" as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
33. At no time during the activities described in paragraph 27 did the Respondents possess a permit issued pursuant to section 404(a) of the CWA, 33 U.S.C. § 1341(a), authorizing the discharge of dredged and fill materials into the East Branch Little Silver Creek at Site 2.

34. The Respondents are persons who discharged pollutants from point sources into navigable waters, without a permit under section 404(a) of the CWA, 33 U.S.C. § 1341(a). Accordingly, each instance in which Respondents discharged pollutants into navigable waters is a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).
35. Each day the Respondents' discharged pollutants remained in navigable waters constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 3 (Site 3)

36. Another property parcel subject to this Order is located in the Northeast $\frac{1}{4}$ of Section 13, Township 2 North, Range 6 West, St. Clair County, Illinois. It is known as Site 3. The current owner of record for Site 3 is William Begole Trust (see Figure 3 for a map of Site 3).
37. Respondents Ridge Prairie Farms, Inc. and Alan Begole owned and/or operated the property at the time of the discharges described in paragraph 38 below.
38. In 2001 and 2014, and at other times known to Respondents, using a hydraulic excavator and a scrapper, Respondents discharged dredged and fill material into navigable waters during the excavation of new channels in an unnamed tributary to the East Branch Little Silver Creek and the subsequent filling of old channels. This activity straightened a meandering stream, resulting in the loss of 410 linear feet of an unnamed tributary to the East Branch Little Silver Creek.
39. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).
40. The dredged and fill material referenced in paragraph 38 are "pollutants" as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
41. The discharge of dredged and fill material into navigable waters described in paragraph 38 is a "discharge of pollutants" as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).

42. The hydraulic excavator and scrapper referenced in paragraph 38 are "point sources" as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
43. The stream on Site 3 is an unnamed tributary to the East Branch Little Silver Creek, which is a tributary to the East Branch Little Silver Creek. East Branch Little Silver Creek is a tributary to Little Silver Creek, which is a tributary to Silver Creek. Silver Creek flows to the Kaskaskia River, a traditional navigable water. The unnamed tributary to the East Branch Little Silver Creek, East Branch Little Silver Creek, Little Silver Creek, Silver Creek, and the Kaskaskia River are "navigable waters" as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
44. At no time during the activities described in paragraph 38 did the Respondents possess a permit issued pursuant to section 404(a) of the CWA, 33 U.S.C. § 1341(a), authorizing the discharge of dredged and fill materials into the unnamed tributary to the East Branch Little Silver Creek at Site 3.
45. The Respondents are persons who discharged pollutants from point sources into navigable waters, without a permit under section 404(a) of the CWA, 33 U.S.C. § 1341(a). Accordingly, each instance in which Respondents discharged pollutants into navigable waters is a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).
46. Each day the Respondents' discharged pollutants remained in navigable waters constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 4 (Site 4)

47. Another property parcel subject to this Order is located in the Southeast ¼ of Section 28 and Northeast ¼ of Section 33, Township 2 North, Range 6 West, St. Clair County, Illinois. It is

known as Site 4. The current owner of record for Site 4 is William Begole Trust (see Figure 4 for a map of Site 4).

48. Respondents Ridge Prairie Farms, Inc. and Alan Begole owned and/or operated the property at the time of the discharges described in paragraph 49 below.
49. Between 2005-2006, and at other times known to Respondents, using a hydraulic excavator, high lift, and bulldozer, Respondents discharged dredged and fill material into navigable waters during the excavation of new channels in an unnamed tributary to Little Silver Creek. This activity straightened a meandering stream, resulting in the loss of 626 linear feet of an unnamed tributary to Little Silver Creek.
50. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).
51. The dredged and fill material referenced in paragraph 49 are "pollutants" as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
52. The discharge of dredged and fill material into waters of the U.S. described in paragraph 49 is a "discharge of pollutants" as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
53. The hydraulic excavator, high lift, and bulldozer referenced in paragraph 49 are "point sources" as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
54. The stream on Site 4 is an unnamed tributary to Little Silver Creek, which flows to Little Silver Creek, which is a tributary to Silver Creek. Silver Creek flows to the Kaskaskia River, a traditional navigable water. The unnamed tributary to the Little Silver Creek, Little Silver Creek, Silver Creek, and the Kaskaskia River are "navigable waters" as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
55. At no time during the activities described in paragraph 49 did the Respondents possess a permit issued pursuant to section 404(a) of the CWA, 33 U.S.C. § 1341(a), authorizing the

discharge of dredged and fill materials into the unnamed tributary to Little Silver Creek at Site 4.

56. The Respondents are persons who discharged pollutants from point sources into navigable waters, without a permit under section 404(a) of the CWA, 33 U.S.C. § 1341(a).

Accordingly, each instance in which Respondents discharged pollutants to navigable waters is a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

57. Each day the Respondents' discharged pollutants remained in navigable waters constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 5 (Site 5)

58. The last property parcel subject to this Order is located in the Southeast ¼ of Section 1, Township 2 North, Range 8 West, St. Clair County, Illinois. It is known as Site 5. The current owners of record for Site 5 are Richard and Sharon Kuhlmann (see Figure 5 for a map of Site 5).

59. Respondents Ridge Prairie Farms, Inc. and Alan Begole owned and/or operated the property at the time of the discharges described in paragraph 60 below.

60. Between 2013-2014, and at other times known to Respondents, using a hydraulic excavator, high lift, soil scrapper, and bulldozer, Respondents discharged dredged and fill material into waters of the U.S. during the filling of an unnamed tributary to Ogles Creek. This activity resulted in the loss of 824 linear feet of stream.

61. Respondents are "persons" as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5).

62. The dredged and fill material referenced in paragraph 60 are "pollutants" as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).

63. The discharge of dredged and fill material into navigable waters described in paragraph 60 is a "discharge of pollutants" as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
64. The hydraulic excavator, high lift, soil scrapper, and bulldozer referenced in paragraph 60 are "point sources" as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
65. The stream on Site 5 is an unnamed tributary to Ogles Creek, which flows to Ogles Creek, which is a tributary to Silver Creek. Silver Creek flows to the Kaskaskia River, a traditional navigable water. The unnamed tributary to the Ogles Creek, Ogles Creek, Silver Creek, and the Kaskaskia River are "navigable waters" as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
66. At no time during the activities described in paragraph 60 did the Respondents possess a permit issued pursuant to section 404(a) of the CWA, 33 U.S.C. § 1341(a), authorizing the discharge of dredged and fill materials into the unnamed tributary to Ogles Creek at Site 5.
67. The Respondents are persons who discharged pollutants from point sources into navigable waters without a permit under section 404(a) of the CWA, 33 U.S.C. § 1341(a). Accordingly, each instance in which Respondents discharged pollutants to navigable waters is a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).
68. Each day the Respondents' discharged pollutants remained in the navigable waters constitutes an additional day of violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

V. ORDER ON CONSENT

69. Based on the foregoing findings and the authority vested in the undersigned Director, Water Division, it is hereby ordered and agreed to in accordance with section 309(a) of the CWA, 33 U.S.C. § 1319(a), that Respondents comply with the following actions:

- A. Respondents shall refrain from any activity at the Site which will result in further discharges of pollutants into navigable waters, except in compliance with a permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344, and any other applicable provisions of the CWA, 33 U.S.C. § 1251 *et seq.*, and the EPA regulations promulgated under the CWA.
- B. Respondents submitted a Plan which includes a schedule, and EPA approved the Plan which is incorporated by reference into this Order (Attachment 1). This Plan is intended to provide stream mitigation for the Respondents' activities outlined in Section IV. Respondents' Plan is consistent with the applicable requirements of 33 C.F.R. § 332.4(c) and 40 C.F.R. § 230.94(c). The Plan describes the stream mitigation activities that will be conducted and prescribes performance standards, monitoring protocols, reporting protocols, and a schedule of the Respondents' activities that will occur.
- C. Within 30 days of the effective date of this Order, Respondents shall commence stream mitigation activities in accordance with the approved Plan.
- D. To ensure that all parcels of land on which the mitigation activities take place remain preserved, Respondents shall, within sixty (60) Days of completion of mitigation activities, record for each such parcel a Declaration of Restrictive Covenant for Conservation with the County Recorder Office, in St. Clair County, Illinois. Respondents shall ensure that each such Declaration of Restrictive Covenant for Conservation is written and recorded in a manner that fully complies with State and local laws. Thereafter, each deed, title, or other instrument conveying an interest in any property that forms part or all of the mitigation site shall contain a notice stating that the property is subject to the Declaration of Restrictive Covenant for Conservation and shall reference

the recorded location of the Declaration and any restrictions applicable to the property under the Declaration. For purposes of this agreement, "completion of mitigation activities" shall mean completion of all construction, grading, seeding, and planting activities set forth in the Plan approved by EPA, but shall not include subsequent maintenance or monitoring requirements. Respondents must submit a copy of such Declaration to EPA at the address specified in paragraph VI within fifteen (15) days of the recording.

VI. DOCUMENTATION AND SUBMISSIONS

70. Within 30 days of completion of the mitigation activities, Respondents shall submit to EPA written certification that they completed mitigation activities in accordance with the approved Plan. Such certification shall include as-built drawings, before and after photographs of stream mitigation areas, a description of the mitigation activities, a timeline of the activities, and identification of any problems encountered during implementation.
71. Respondents shall submit to EPA the annual Reports required by the Plan by the due dates contained within the Plan. These reports must summarize the year's monitoring visits, how the Site is meeting performance standards specified in the Plan, and include supporting documentation and information, such as, but not limited to, photographs, figures, drawings, and surveys taken of the Site during the monitoring visits.
72. All reports, notifications, documentation, and submissions required by this Order shall be signed by a duly authorized representative of Respondents as specified by 40 C.F.R. §§ 122.22(b)(2) and (d) and shall include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

73. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order shall be submitted to the EPA Case Manager at:

Yone Yu
Watersheds and Wetlands Branch
U.S. Environmental Protection Agency (WW-16J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

74. Respondents may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondents may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Order, as provided in 40 C.F.R. § 2.302(a)(2). The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If Respondents do not assert a claim of business confidentiality when they submit the information, EPA may make the information available to the public without further notice.

75. If Respondents find at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this Order may subject Respondents to criminal prosecution under section 309(c) of the CWA, 33 U.S.C. § 1319(c), as well as 18 U.S.C. §§ 1001 and 1341.

76. Submissions required by this Order shall be deemed submitted on the date postmarked when sent by U.S. mail.

77. Upon EPA approval, submissions by Respondents are incorporated and enforceable as part of this Order. In case of inconsistency between any submission by Respondents and this Order or any subsequent modification(s), this Order or its subsequent modification(s) shall control.
78. EPA may use any information submitted in accordance with this Order in support of an administrative, civil, or criminal action against the Respondents.
79. The information required to be submitted pursuant to this Order is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

VII. GENERAL PROVISIONS

80. Respondents have had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
81. The terms of this Order are binding on Respondents and their assignees and successors. Respondents must give notice of this Order to any successors in interest prior to transferring ownership, and must simultaneously inform EPA, at the address specified in paragraph 73, that Respondents have given the notice.
82. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
83. This Order does not affect Respondents' responsibility to comply with the CWA, and any other local, state, and federal laws and regulations.
84. This Order does not restrict EPA's authority to enforce any section of the CWA.
85. EPA reserves all rights and remedies, legal and equitable, available to address any other violation(s) of the CWA, and to enforce this Order. Neither issuance of this Order by EPA nor compliance with its terms precludes further enforcement action pursuant to section 309 of the CWA, 33 U.S.C. § 1319, for any other violation(s) of the CWA committed by

Respondents, or to enforce this Order.

86. Violation of the terms of this Order may result in further enforcement action under section 309 of the CWA, 33 U.S.C. § 1319. The CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal sanctions for violations of the CWA. Specifically, EPA may assess civil administrative penalties of \$20,965 per day of violation, up to a maximum of \$262,066 under section 309(g) of the CWA, 33 U.S.C. § 1319(g), or seek civil judicial penalties of \$52,414 per day of violation of the CWA under section 309(d) of the CWA, 33 U.S.C. § 1319(d). 40 C.F.R. Part 19. Furthermore, EPA may seek criminal sanctions, including fines and imprisonment, for negligent or knowing violations of the CWA under section 309(c) of the CWA, 33 U.S.C. § 1319(c).

VIII. EFFECTIVE DATE

87. This Order shall become effective upon signature by EPA below, and will remain in effect until Respondents have demonstrated compliance and EPA has notified Respondents pursuant to paragraphs 88 and 89.

IX. FINAL REPORT AND TERMINATION OF THIS ORDER

88. Within 60 days after Respondents conclude that they have complied with all performance standards of the Plan as required by this Order, Respondents shall submit to the EPA Case Manager their written final monitoring report and a certification of completion describing all actions taken to comply with all requirements of this Order.

89. After receipt and review of Respondents' final report and certification of completion submitted pursuant to paragraph 88, EPA will determine and notify Respondents whether they have satisfied all requirements of this Order. If EPA concludes that Respondents have failed to satisfy the requirements of this Order, EPA may require further actions as set forth

under this Order or it may pursue administrative or civil judicial actions. Respondents will take corrective action(s) prescribed by EPA and continue annual monitoring until the requirements of this Order are met. If EPA determines that the performance standards of the approved Plan have been satisfactorily achieved, EPA shall send acknowledgment of the same in writing upon request so that Respondents may then record such acknowledgment of satisfactory completion of mitigation and monitoring activities at the Recorder's Office in St. Clair County.

In the Matter of:
Ridge Prairie Farms, Inc. and Alan Begole
Docket No: CWA-05-2018-0009

IT IS SO AGREED AND ORDERED:

FOR THE COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:

Linda Holst
Linda Holst
Acting Director
Water Division
U.S. EPA Region 5

7/25/18
Date

FOR RESPONDENTS RIDGE PRAIRIE FARMS, INC. AND ALAN BEGOLE:

Alan Begole
Signature

7-17-18
Date

ALAN BEGOLE
Name

INDIVIDUALLY *
PRESIDENT, RIDGE PRAIRIE FARMS
Title

Enclosures:
Figure 1
Figure 2
Figure 3
Figure 4
Figure 5
Attachment 1