

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

FILED

May 04, 2026

11:03 am

**U.S. EPA REGION 5
HEARING CLERK**

In the Matter of:	)	Docket No. CAA-05-2026-0027
	)	
Beelman River Terminals, Inc.	)	Proceeding to Assess a Civil Penalty
Venice, Illinois	)	Under Section 113(d) of the Clean Air Act,
	)	42 U.S.C. § 7413(d)
Respondent.	)	
_____	)	

Consent Agreement and Final Order

A. Preliminary Statement

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.1(a)(2), 22.13(b) and 22.18(b).

2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.

3. Respondent is Beelman River Terminals, Inc. (BRT), a corporation doing business in Illinois. Respondent is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) without the adjudication of any issues of law or fact.

5. Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

6. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the CAA.

7. The EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. In satisfaction of the notice requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), on December 17, 2024, the EPA issued to Respondent a Notice of Violation provided a copy of the NOV to the Illinois Environmental Protection Agency (Illinois EPA), providing notice to Respondent and the Illinois EPA that the EPA found Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On January 8, 2025, representatives of Respondent and the EPA conferred regarding the December 17, 2024, NOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the Consent Agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. Statutory and Regulatory Background

10. The CAA, 42 U.S.C §§ 7401, et seq., and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air resources so as to promote public health and welfare and the productive capacity of its population.

11. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and

secondary National Ambient Air Quality Standards in each air quality control region (or portion thereof) within the state. Upon approval by EPA, the plan becomes a part of the applicable state implementation plan (“SIP”) for the state.

12. Under 40 C.F.R. §52.23, any permit limitation or condition contained within a permit issued pursuant to regulations that are incorporated into a SIP is a requirement of the SIP and is federally enforceable under Section 113 of the CAA, 42 U.S.C. §7413.

13. On May 31, 1972, EPA approved 35 Illinois Administrative Code (“Ill.Adm.Code”) Part 201, “Permits and General Provisions,” into the federally enforceable SIP of Illinois. 37 Fed. Reg. 10862 (May 31, 1972) (codified at 40 C.F.R. § 52.722). Since then, EPA has approved several revisions of 35 Ill.Adm.Code Parts 201 through 283 into the federally enforceable SIP. See 40 C.F.R. § 52.720.

14. Pursuant to 35 Ill.Adm.Code 201.102,

- a. An “air contaminant” is any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source;
- b. A “specified air contaminant” is any air contaminant as to which Chapter I contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.
- c. An “emission source” is any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

15. Pursuant to 35 Ill.Adm.Code 201.142, no person shall cause or allow the construction of any emission source without first obtaining a construction permit from the Illinois EPA.

16. Pursuant to 35 Ill. Adm.Code 201.143, no person shall cause or allow the operation of any new emissions source for which a construction permit is required without first obtaining an operating permit from the Illinois EPA.

17. On March 19, 2015, Illinois EPA issued a revised Construction Permit No. 14080013 to BRT (the 2015 Construction Permit).

18. On March 19, 2015, Illinois EPA simultaneously issued a revised Lifetime Operating Permit No. 00040040 to BRT (the 2015 Operating Permit).

19. The 2015 Construction Permit proposed the construction of a second bulk material and handling process which included the following new equipment: one hopper, one feeder, one feed conveyor, one screen, and two discharge conveyors. These were incorporated into the 2015 Operating Permit.

20. Condition 1f. of the 2015 Construction Permit provides that the emissions and operation of the coal and coke handling process shall not exceed PM₁₀ emissions of 0.41 tons per month and 4.06 tons per year (820 pounds per month and 8,120 pounds per year), and PM emissions of 0.81 tons per month and 8.12 tons per year (1,620 pounds per month and 16,240 pounds per year). These are requirements for handling equipment used for unloading coal and coke, including petroleum coke (petcoke), from barges/trucks and loading material onto barges/trucks (the petcoke handling process). Condition 1f. of the 2015 Construction Permit further provides that compliance with annual limits shall be determined from a running total of 12 months of data.

21. Condition 1h. of the 2015 Construction Permit requires, at a minimum, 6.9% surface moisture content by weight for coke and coal and that the Facility shall show compliance with this requirement as detailed in Conditions 1h.i. and 1h.ii. of the 2015 Construction Permit, among other requirements.

22. Condition 1h.i. of the 2015 Construction Permit requires the Facility to comply with the provisions of its most current fugitive dust plan incorporated by reference into the 2015 Operating Permit.

23. Condition 1h.ii. of the 2015 Construction Permit requires the Facility to maintain records of the moisture content of coal and coke received when available. Compliance with this permit condition is presumed if the moisture content as shipped is at least 6.9% on average.

24. Condition 5.a. of the 2015 Operating Permit provides that the Facility shall be operated under and shall comply with the provisions of the Fugitive Particulate Operating Program (“FPOP”) submitted to Illinois EPA on February 17, 2015, as well as any subsequent amendments to the FPOP submitted by the Facility to Illinois EPA.

D. Stipulated Facts

25. BRT owns and operates a screening and bulk material handling facility at 210 Bremen Avenue located in Venice Illinois.

26. On May 6, 2024, EPA conducted an on-site inspection of BRT (the 2024 Inspection).

27. During the 2024 Inspection, EPA was informed that BRT had installed a new loadout system on the middle dock one month prior to EPA’s visit (the new loadout system). EPA noted that at the time of inspection, the new loadout system was unloading coils from the barge.

28. The 2015 Operating Permit allowed for the transfer of products straight from the barge to truck resulting in one (1) transfer point. The new loadout system consists of equipment such as a hopper, conveyor, and overhead truck bin. The new loadout system resulted in the addition of three transfer points for a total of four (4) transfer points, thereby increasing the overall potential emissions of particulate matter of the affected source. Particulate matter is a specified air contaminant as defined in 35 Ill.Adm.Code 201.102. Therefore, the new loadout system is an emission source as defined in 35 Ill.Adm.Code 201.102.

29. On May 7, 2024, as part of the 2024 Inspection, EPA requested certain records pertaining to compliance with the 2015 Construction Permit and the 2015 Operating Permit.

30. On June 6, 2024, BRT provided the following documents to EPA:

- a. Its response to EPA's records request;
- b. Its August 4, 2015 Fugitive Particulate Operating Program (2015 FPOP); and
- c. Petcoke Moisture Content Records.

31. On July 22, 2024, BRT provided its PM emissions calculations (the emissions calculations). BRT used a 6.9% moisture content in the emissions calculations for the petcoke handling process.

32. On September 4, 2024, BRT provided a revised updated FPOP that was approved by Illinois EPA on August 30, 2024 (the 2024 FPOP).

33. All materials submitted by BRT in paragraphs 30-32 shall be hereafter collectively referred to as "the Response."

Construction Permit for the New Loadout System

34. In the Response, BRT stated that they were in the process of applying for a permit for the new loadout system seen on inspection. BRT stated "that failing to apply to add the system to the lifetime operating permit was an unfortunate oversight."

35. On July 10, 2024, BRT submitted to Illinois EPA its application for a construction and operating permit for the new loadout system.

PM Emissions Reporting

36. In the Response, BRT provided the amount, in tons, of petcoke received from inbound trucks and shipped outbound by barge.

37. The 2015 Construction Permit provides that there are seven total transfer points for coke handling: three transfer points for inbound materials and four transfer points for outbound material. Using this information and moisture content records provided by BRT in the Response,

EPA calculated the following particulate matter emissions from BRT from January 2023 to May 2024. EPA used the same calculation methodology provided by BRT in the Response.

Table 1. Calculated Particulate Matter Emissions From Throughput and Moisture

Month-Yr	Inbound (ton)	Outbound (ton)	Monthly PM10 Emissions (lb)	12-Month Rolling PM10 Emissions (lb)	Monthly PM Emissions (lb)	12-Month Rolling PM Emissions (lb)
Jan-23	71,325.61	114,979.66	253.61		536.20	
Feb-23	104,796.73	31,884.85	166.31		351.63	
Mar-23	113,131.99	147,420.81	344.73		728.87	
Apr-23	118,535.48	117,258.41	849.86		1796.84	
May-23	103,871.30	132,823.47	1821.40		3850.96	
Jun-23	79,908.28	56,230.34	174.86		369.70	
Jul-23	109,504.73	101,928.21	1520.54		3214.86	
Aug-23	101,020.95	133,992.65	861.10		1820.61	
Sep-23	101,804.63	69,569.27	455.24		962.51	
Oct-23	113,594.02	92,939.77	962.27		2034.51	
Nov-23	112,540.02	163,654.60	896.88		1896.27	
Dec-23	111,370.51	128,091.58	624.72	8931.53	1320.84	18883.80
Jan-24	104,384.60	96,868.36	209.20	8887.13	442.32	18789.92
Feb-24	102,942.15	125,270.18	412.89	9133.70	872.97	19311.26
Mar-24	82,317.14	32,029.81	225.35	9014.32	476.45	19058.84
Apr-24	88,735.56	124,618.78	324.69	8489.15	686.49	17948.49
May-24	116,451.40	107,524.66	323.78	6991.53	684.57	14782.09

*NOTE: EPA utilized BRT's average monthly petcoke moisture content in calculating emissions from the petcoke handling system. For months that data was not provided, EPA assumed a 6.9% moisture content.

Moisture Content

38. In the Response, the Facility provided the barge date and the moisture content of the petcoke associated with the barge load.

39. After review, EPA has determined that the Facility was below the average monthly moisture content of 6.9% for twenty (20) nonconsecutive months, See Table 2:

Table 2. Reported Petcoke Moisture Content

Month-Year	Moisture Content %
Apr-21	3.24
May-21	6.34
Jun-21	6.35
Aug-21	5.66
Jun-22	4.85
Sep-22	6.00
Nov-22	2.51
Dec-22	6.55
Apr-23	3.36
May-23	1.98
Jul-23	2.05
Aug-23	3.37
Sep-23	4.10
Oct-23	2.77
Nov-23	3.69
Dec-23	4.27
Feb-24	5.56
Mar-24	4.94
Apr-24	6.33
May-24	6.43

FPOP – Moisture Content Sampling

40. BRT's 2015 FPOP and 2024 FPOP provides that the moisture content of the coke and petcoke piles shall be measured and a daily record kept. Pile moisture readings shall be taken and recorded at the start of each shift and at the middle point of each shift.

41. EPA determined from its review of the Response that BRT did not have sufficient records to show that the moisture content of the petcoke is sampled daily.

42. From July 15, 2024, to December 2, 2025, BRT completed the following actions:

- a. Worked with Illinois EPA to determine the proper construction and operating permits for the new loadout system and applied for these permits;
- b. Conducted moisture content sampling on inbound petcoke brought in by truck for 30 days and met an average moisture content of 8.5%;

- c. Revised its emissions calculations to accurately calculate emissions for the petcoke handling process; and
- d. Began conducting daily moisture content sampling of the petcoke piles in accordance with the requirements of the 2015 FPOP and 2024 FPOP.

E. Allegations

43. From May 6, 2024, to July 14, 2024, BRT failed to apply and obtain a construction and operating permit for the construction and operation of an emission source, the new loadout system, in violation of 35 Ill.Adm.Code 201.142 and 35 Ill. Adm.Code 201.143.

44. For six (6) nonconsecutive months from April 2023 to November 2023, BRT exceeded its monthly PM10 and PM limits for the petcoke handling system, in violation of Condition 1f. of the 2015 Construction Permit. From December 2023 to April 2024, BRT exceeded its annual PM10 and PM limits for the petcoke handling system, in violation of Condition 1f. of the 2015 Construction Permit.

45. From April 2021 to May 2024, BRT failed to meet the minimum petcoke moisture content percent (%) average per month, for a total of twenty (20) nonconsecutive months, in violation of Condition 1h.ii. of the 2015 Construction Permit.

46. From April 1, 2021, to January 6, 2025, BRT did not conduct daily sampling of its petcoke piles in accordance with the requirements of its 2015 FPOP and 2024 FPOP, in violation of Condition 1h.i. of the 2015 Construction Permit.

F. Terms of Consent Agreement

47. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
- b. neither admits nor denies the allegations stated in Section E of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;

- d. consents to any conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section E of this CAFO; and
- f. waives its right to appeal this CAFO.

48. For the purposes of this proceeding, Respondent:

- a. agrees this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
- d. waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c);
- e. waives any rights or defenses that 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 waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement; and
- f. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

49. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C.

§ 7413(e), the facts of this case, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$166,465.10.

50. Respondent agrees to pay a civil penalty in the amount of 166,465.10 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Consent Agreement is filed with the Regional Hearing Clerk ("Filing Date").

51. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

52. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CAFO, CAA-05-2026-0027
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

L. Oviedo
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
oviedo.luis@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

53. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this CAFO, the entire unpaid balance of the Assessed Penalty

and all accrued interest shall become immediately owing, and the EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is, the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handing collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

54. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

55. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

56. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

57. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service (“IRS”) a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent’s failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.

- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at wise.milton@epa.gov within 30 days after the Final Order ratifying this Consent Agreement is filed, or within 7 days after the Final Order ratifying this Consent Agreement is filed should that happen between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

58. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

59. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this CAFO and have the legal authority to bind the party they represent to this CAFO.

60. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there may be significant penalties for knowingly submitting false information, including the possibility of fines and/or imprisonment under 18 U.S.C. §§ 1001 and 1519.

61. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United States to recover unpaid penalties as described above.

G. Effect of Consent Agreement and Final Order

62. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: oviedo.luis@epa.gov (for the EPA), and sambeelman@beelman.com and erica@beelman.com (for Respondent).

63. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged in this CAFO.

64. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to this matter.

65. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties and approval of the Regional Judicial Officer.

66. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, authorized representatives, successors, and assigns.

67. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day per violation, or both, as provided in Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

68. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the

EPA's authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

69. Nothing in this CAFO limits the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

70. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

H. Effective Date

71. This CAFO will be effective on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

Consent Agreement in the Matter of Beelman River Terminals, Inc., Docket No. CAA-05-2026-0027

For Beelman River Terminals, Inc., Respondent

4/22/26
Date

Sam Beelman
Sam Beelman
Owner

Consent Agreement in the Matter of Beelman River Terminals, Inc., Docket No. CAA-05-2026-0027

For United States Environmental Protection Agency, Complainant

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Beelman River Terminals, Inc.
Docket No. CAA-05-2026-0027

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, 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. IT IS SO ORDERED.

Date

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