



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2012 JUN 26 AM 11:53

FILED  
EPA REGION VIII  
FRONTING CLERK

DOCKET NO.: SDWA-08-2012-0015

IN THE MATTER OF:

RICHARD J. MACLEOD  
JOHN C. ZIEGMAN, OWNERS  
BUFFALO CREEK RANCH

RESPONDENTS

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FINAL ORDER

Pursuant to 40 C.F.R. §22.18(b)(2) of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 26<sup>th</sup> DAY OF June, 2012.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Docket No. SDWA-08-2012-0015

FILED  
EPA REGION VIII  
FREDERIC D. FRK

In the Matter of: )  
 )  
Richard J. MacLeod ) **CONSENT AGREEMENT**  
John C. Ziegman, Owners )  
Buffalo Creek Ranch )  
 )  
Respondents. )

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondents, Richard J. MacLeod and John C. Ziegman, owners of Buffalo Creek Ranch, (Respondents), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On February 29, 2012, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondents for certain violations of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h et seq., and the underground injection control (UIC) regulations promulgated thereunder.
2. Respondents admit the jurisdictional allegations of the Complaint and neither admit nor deny the specific factual allegations of the Complaint.
3. Respondents waive their right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint or this Consent Agreement.
4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondents and Respondents' heirs, successors or assigns. Any

change in the ownership or corporate status of Respondents, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. EPA acknowledges that Respondents have timely closed the Class V Motor Vehicle Waste Disposal well at issue and submitted documentary evidence of the closure to EPA.
6. Respondents agree to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. Due to Respondents timely compliance and in consideration of the statutory penalty factors at 42 U.S.C § 300h-2(c)(4)(B), EPA agrees to settle this action without the assessment of a civil penalty.
8. Nothing in this Consent Agreement shall relieve Respondents of the duty to comply with the SDWA and its implementing regulations.
9. The undersigned representative of the Respondents certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondents to the terms and conditions of this Consent Agreement.
10. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a final order.
11. Each party shall bear its own costs and attorney fees in connection with this matter.
12. Respondents waive any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which the Respondents may have, with respect to any issue of fact or law or any terms and conditions set forth in this Consent


Agreement, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708."

13. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,**

**Complainant.**

Date: 6/26/12

By: 

*for* Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

**Respondents.**

Date: 5/7/12

By: 

Name, Title: JOHN C. ZIEGMAN, GM.  
BUFFALO CREEK LAND & CATTLE, LLC

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER**, in the matter of **RICHARD J. MACLEOD, JOHN C. ZIEGMAN, OWERNS BUFFALO CREEK RANCH; DOCKET NO.: SDWA-08-2012-0015** was filed with the Regional Hearing Clerk on June 26, 2012.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to Jean Belille, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on June 26, 2012, to:

John C. Ziegman, Owner  
Buffalo Creek Ranch  
2320 County Road 28A  
Rand, CO 80473

Richard J. MacLeod, Owner  
Buffalo Creek Ranch  
16794 West Brookhaven Ct.  
Surprise, AZ 85387

June 26, 2012



Tina Artemis  
Paralegal/Regional Hearing Clerk