



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917  
<http://www.epa.gov/region08>

2013 AUG 15 PM 12: 37

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CWA-08-2013-0014

IN THE MATTER OF:

LANGSTON CONCRETE, INC.  
12998 County Road 225  
Westcliffe, CO 81252

Respondent

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

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 Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 15<sup>th</sup> Day of August, 2013

Elyana R. Sutin  
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

2013 AUG 15 AM 11: 57

IN THE MATTER OF  
  
Langston Concrete, Inc.  
12998 County Road 225  
Westcliffe, CO 81252,

Respondent.

---

)  
)  
)  
) Docket No. CWA-08-2013-0014  
)  
)  
) **CONSENT AGREEMENT**  
)  
)

FILED  
EPA REGION VIII  
HEARING CLERK

The United States Environmental Protection Agency Region 8 (EPA), by its undersigned representatives, and Langston Concrete, Inc. (Respondent) hereby consent and agree as follows:

1. On May 30, 2013, the EPA issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging that the Respondent violated a general permit authorizing discharges of stormwater associated with construction activities. The Complaint proposed that the Respondent pay an administrative civil penalty for the alleged violations, pursuant to section 309(g)(2)(A) of the Clean Water Act (Act), 33 U.S.C. § 1319(g)(2)(A).
2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint. The Respondent does not admit to any violations of the Act or to any wrongdoing.
3. The Respondent waives its rights to contest the allegations in the Complaint and to appeal the Final Order issued by the Regional Judicial Officer approving this Consent Agreement.
4. This Consent Agreement, upon incorporation into a Final Order, applies to and is binding upon the EPA and upon the Respondent and the Respondent's successors and assigns. Any change in the Respondent's ownership and/or operation, including, but not limited to, any transfer of assets or real or personal property, shall not alter the Respondent's responsibilities under this Consent Agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondent consents and agrees to pay a civil penalty in the amount of five thousand and five hundred dollars (\$5,500.00) in the manner described below:

- a. Payment shall be in a single payment of \$5,550.00, due no later than 30 calendar days, from the date of the Final Order issued by the Regional Judicial Officer, that adopts this Consent Agreement. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date a payment is made is considered to be the date processed by the U.S. Bank, as described below. Payment must be received by 11:00 AM Eastern Standard Time to be considered as received that day.
- b. The payment shall be made by remitting a cashier's or certified check or making a wire transfer or on-line payment. The check or other payment shall designate the name and docket number of this case, be in the amount stated in part "a," above, and be payable to "Treasurer, United States of America." The payment shall be sent as follows:

If sent by regular U.S. mail:

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

If sent by any overnight commercial carrier:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
314-418-4087

If sent by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City with the following information:

ABA: 021030004 and Account Number: 68010727

Payment may also be made on-line by accessing "www.pay.gov."

A copy of each check (or notification of wire transfer or on-line payment) shall be sent at the time of payment to:

Natasha Davis, Enforcement Officer  
Water Enforcement Program (8ENF-W)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

and

Tina Artemis, Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

- c. If a payment is not received by the specified due date, interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received (e.g., on the 1<sup>st</sup> late day, 30 days of interest will have accrued).
- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31<sup>st</sup> day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 30 days of the due date. Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
- e. The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

6. Nothing in this Consent Agreement shall relieve the Respondent of the duty to comply with the Act, its implementing regulations, or any permits issued pursuant to the Act.

7. Any failure by the Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of this Consent Agreement and may result in referral of the matter to the Department of Justice for enforcement of this Consent Agreement and for such other relief as may be appropriate.

8. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any

collection action instituted as a result of any failure by the Respondent to meet its obligations under this Consent Agreement.

9. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

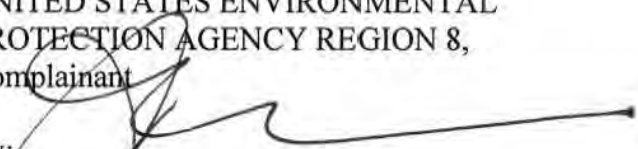
10. Each party shall bear its own costs and attorney's fees in this matter.

11. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a full settlement of the United States' claims for civil penalties against the Respondent for the specific violations alleged in the Complaint.

12. The undersigned representative of the Respondent certifies that he is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms of this Consent Agreement.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY REGION 8,  
Complainant

Date: 8.7.13

By:   
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement,  
Compliance and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

LANGSTON CONCRETE, INC.,  
Respondent

Date: 7/31/13

By:   
Zac Langston  
Secretary / Office Manager  
Langston Concrete, Inc.  
316 South 11th Street  
Canon City, CO 81212

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **LANGSTON CONCRETE, INC.; DOCKET NO.: CWA-08-2013-0014**. The **CONSENT AGREEMENT/FINAL ORDER** was filed with the Regional Hearing Clerk on August 15, 2013.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Margaret "Peggy" Livingston, 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 August 15, 2013, to:

Zac Langston, Secretary/Office Manager  
Langston Concrete, Inc,  
316 South 11<sup>th</sup> Street  
Canon City, CO 81212

And emailed to:

Kim White  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

August 15, 2013

  
Tina Artemis  
Paralegal/Regional Hearing Clerk