

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 2011 DEC 15 AM 8: 06

REGION 8 1595 WYNKOOP STREET

DENVER, CO 80202-1129 Phone 800-227-8917

http://www.epa.gov/region08

FILED E A REGION VIA Franks di Erk

DOCKET NO.: SDWA-08-2011-0061

IN THE MATTER OF:	)	
	)	
GUNNELS FARMS, INC.	)	FINAL ORDER
	)	
RESPONDENT	)	

Pursuant to 40 C.F.R. 22.18, 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 Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 15 DAY OF DOCUMENT, 2011.

Elyana R. Sutin

Regional Judicial Officer

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

2011 DEC 15 AM 8: 07

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Docket No. SDWA-08-2011-0061

In the Matter of:	)	
Gunnels Farms, Inc.	Ś	CONSENT AGREEMENT
	)	
Respondent.	5	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Gunnels Farms, Inc. (Respondent), by their undersigned representatives, hereby consent and agree as follows.

#### BACKGROUND

- On August 29, 2011, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondent 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.
- Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
- Respondent waives its 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 Respondent and Respondent's heirs, successors or assigns. Any change in the ownership or corporate status of Respondent, including, but not limited to,

- any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.
- EPA acknowledges that Respondent has timely closed the Class V Motor Vehicle Waste
   Disposal well at issue and submitted documentary evidence of the closure to EPA.
- Respondent agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
- Due to Respondent's 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.
- Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations.
- The undersigned representative of Respondent certifies that he or she is fully authorized
  to enter into the terms and conditions of this Consent Agreement and to bind Respondent
  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.
- Each party shall bear its own costs and attorney fees in connection with this matter.
- 12. 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.

By;

Andrew M. Gaydosh

Assistant Regional Administrator Office of Enforcement, Compliance and Environmental Justice

Gunnels Farms, Inc.

Respondent.

By:

Name:

Title:

#### CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached CONSENT AGREEMENT/FINAL ORDER in the matter of GUNNELS FARMS, INC., DOCKET NO.: SDWA-08-2011-0061 was filed with the Regional Hearing Clerk on December 15, 2011.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Marc Weiner, 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 December 15, 2011, to:

Bob Gjellum, Registered Agent Gunnels Farms, Inc. P. O. Box 591 Monte Vista, CO 81144

E-mailed to:

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

December 15, 2011

Tina Artemis Paralegal/Regional Hearing Clerk

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