

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 2010 SEP 28 AM 11: 58 1595 WYNKOOP STREET DENVER, CO 80202-1129 FILED Phone 800-227-8917 EPA REGION VIII http://www.epa.gov/region08 HEARING CLERK

DOCKET NO.: SDWA-08-2009-0074

IN THE MATTER OF:)
HANDLEBAR MOTORSPORTS, INC.) FINAL ORDER
49 Black Bear Lane)
Bayfield, CO 81122)
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 28th DAY OF 20 2010.

Elyana R. Sutin Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2010 SEP 27 AM 10: 37 REGION 8

Docket No. SDWA-08-2009-0074

FILED EPA REGION VILL HEARING CLERK

In the Matter of: Handlebar Motorsports, Inc. 49 Black Bear Lane Bayfield, Colorado 81122

Respondent.

CONSENT AGREEMENT

The United States Environmental Protection Agency, Region 8 (Complainant), and Handlebar Motorsports, Inc. (Respondent), by their undersigned representatives, hereby consent and agree as follows:

1. On July 28, 2009, Complainant issued to Respondent a Proposed Compliance Order, Penalty Complaint, and Notice Of Opportunity For Hearing (complaint) alleging certain violations of the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26.

2. Respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the specific factual allegations of the complaint.

3. 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 successors or assigns. This Consent Agreement contains all terms of the settlement agreed to by the parties.

 Complainant acknowledges that Respondent has timely complied with the requirements in the complaint, including the closure of the Class V Motor Vehicle Waste Disposal well at issue.

 Respondent agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.

 Due to Respondent's timely compliance, and consideration of the statutory penalty factors at 42 U.S.C. § 300h-2(c)(4)(B), Complainant agrees to settle this action without the assessment of a civil penalty.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Safe Drinking Water Act and its implementing regulations.

9. 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, once signed, 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. 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.

Date

 \tilde{V}

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8 Office of Enforcement, Compliance, and Environmental Justice, Complainant.

By:

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

9-27-10 Date:

By:

Brenda L. Morris Legal Enforcement Program

HANDLEBAR MOTORSPORTS, INC., Respondent

Date:

By:

Thomas Grover, President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached CONSENT AGREEMENT and FINAL ORDER in the matter of HANDLEBAR MOTORSPORTS, INC.; DOCKET NO.: SDWA-08-2009-0074 was filed with the Regional Hearing Clerk on September 28, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered Brenda Morris, Senior 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 September 28, 2010 to:

Tom Grover, Owner Handlebar Motorsports, Inc. 49 Black Bear Lane Bayfield, CO 8122 2

E-mailed to:

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

September 28, 2010

Allents

Tina Artemis Paralegal/Regional Hearing Clerk

