

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

Jul 07, 2026

8:09 am

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:
Colorado Smelter Site
Pueblo, Pueblo County, Colorado

U.S. EPA Region 8
CERCLA Docket No. CERCLA-08-2023-
0004

1000 South Santa Fe LLC and
1100 South Santa Fe LLC
SETTLING PARTIES

PROCEEDING UNDER SECTION
122(h)(1) OF CERCLA, 42 U.S.C. §
9622(h)(1)

**FIRST AMENDMENT TO CERCLA SECTION 122(h)(1) CASHOUT SETTLEMENT
AGREEMENT FOR PERIPHERAL PARTIES**

EPA and the Settling Parties under the CERCLA Section 122(h)(1) Cashout Settlement Agreement for Peripheral Parties dated October 5, 2023 (Settlement Agreement), seek to amend the Settlement Agreement pursuant to the following:

WHEREAS, pursuant to Paragraph 14 of the Settlement Agreement, Settling Parties are required to pay the Environmental Protection Agency (EPA) the Payment Amount (\$646,100, plus an additional sum for Interest on that amount calculated from the Effective Date through the date of payment) upon the Transfer of the Property or within three years of the Effective Date, whichever occurs earlier. The Effective Date of the Settlement Agreement is October 5, 2023.

WHEREAS, Settling Parties have not found a purchaser for the Property despite using “best efforts” to sell the Property, as required by Paragraph 18 of the Settlement Agreement.

WHEREAS, on December 31, 2025, Settling Parties requested a schedule extension to pay the Payment Amount due to insufficient cash flow to pay the Payment Amount by the October 5, 2026 deadline. Settling Parties plan to use the additional time to continue using “best efforts” to sell the Property, as required by Paragraph 18 of the Settlement Agreement.

WHEREAS, on January 22, 2026, EPA requested that Settling Parties submit financial documentation to substantiate their claim that they have insufficient cash flow to pay the Payment Amount by October 5, 2026.

WHEREAS, on January 26, 2026, Settling Parties submitted Income and Expense Reports and Schedule E Tax data for 2020, 2021, 2022, 2023, and 2024.

WHEREAS, EPA's financial analyst reviewed the financial documentation submitted by Settling Parties and concluded that Settling Parties do not have sufficient cash flow to pay the Payment Amount by October 5, 2026.

WHEREAS, Settling Parties represent that on April 15, 2026, LLC ownership interest for 1000 South Santa Fe LLC and 1100 South Santa Fe LLC was transferred to the Brown Family Living Trust 2026.

WHEREAS, EPA and Settling Parties agreed to a schedule extension – within 60 days of the Transfer of the Property or by October 5, 2028, whichever occurs earlier – for Settling Parties to remit the Payment Amount.

NOW, THEREFORE, with the consent of the Settling Parties, Section VI (Payment of Response Costs) of the Settlement Agreement is amended as follows:

Paragraph 14 is replaced in its entirety with the following:

Payment of Response Costs. Settling Parties shall pay to EPA the amount of \$646,100, plus an additional sum for Interest on that amount calculated from the Effective Date through the date of payment (Payment Amount). Settling Parties will remit the Payment Amount to EPA within 60 days of the Transfer of the Property or by October 5, 2028, whichever occurs earlier.

Except as modified herein, the Settlement Agreement remains unchanged and in full force and effect.

IT IS SO AGREED.

Signature Page for First Amendment of CERCLA Section 122(h)(1) Cashout Settlement
Agreement for Peripheral Parties Regarding Colorado Smelter Site

U.S. ENVIRONMENTAL PROTECTION AGENCY:

Aaron Urdiales

Division Director

Superfund and Emergency Management Division

U.S. Environmental Protection Agency, Region 8

Christopher A. Thompson

Associate Regional Counsel for Enforcement

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 8

Signature Page for First Amendment of CERCLA Section 122(h)(1) Cashout Settlement
Agreement for Peripheral Parties Regarding Colorado Smelter Site

U.S. DEPARTMENT OF JUSTICE:

Adam R.F. Gustafson

Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Emily L. DeVille

Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

Signature Page for First Amendment of CERCLA Section 122(h)(1) Cashout Settlement
Agreement for Peripheral Parties Regarding Colorado Smelter Site

1000 SOUTH SANTA FE LLC:



Daniel L. Brown

Trustee for the Brown Family Living Trust 2026
Owner and Manager
1000 South Santa Fe LLC

1100 SOUTH SANTA FE LLC:



Daniel L. Brown

Trustee for the Brown Family Living Trust 2026
Owner and Manager
1100 South Santa Fe LLC