

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2011 AUG 31 AM 11: 37

Docket No. SDWA-08-2011-0039

FILED
EPA REGION VIII
REGULATORY CLERK

In the Matter of:)	
)	
Color Star Growers of)	CONSENT AGREEMENT
Colorado, Inc.)	
)	
Respondent.)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Color Star Growers of Colorado, Inc. (Respondent), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On May 16, 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.
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 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.

5. 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.
6. Respondent agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. 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.
8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA 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 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.

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

Complainant.

Date: AUG 26 2011

By: 

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

Color Star Growers of Colorado, Inc.

Respondent.

Date: 8/10/11

By: 

Name, Title: BRETT VELBEEK, VICE PRESIDENT

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of **COLOR STAR GROWERS OF COLORADO INC.**; **DOCKET NO.: SDWA-08-2011-0039**, was filed with the Regional Hearing Clerk on August 31, 2011.

Further, the undersigned certifies that a true and correct copy of the document was 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 on August 31, 21011, to:

Brett Verbeek, Vice President
Colorado Star Growers of Colorado, Inc.
11610 County Road 14 ½
Fort Lupton, CO 80621-8813

And emailed to:

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

August 31, 2011


Tina Artemis
Paralegal/Regional Hearing Clerk