



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**1595 WYNKOOP STREET**

**DENVER, CO 80202-1129**

**Phone 800-227-8917**

**http://www.epa.gov/region08**

2008 OCT 30 PM 2:49

FILED  
EPA REGION VIII  
HEARING CLERK

**DOCKET NO.: SDWA-08-2008-0043**

**IN THE MATTER OF:**

**COLTON REDI-MIX, INC.**

**RESPONDENT**

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)  
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)  
)

**FINAL ORDER**

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** 30<sup>th</sup> **DAY OF** October, 2008.

Elyana R. Sutin  
Regional Judicial Officer

*James Eppers*

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Docket No. SDWA-08-2008-0043

EPA REGION VIII  
HEARING CLERK

In the Matter of:	)	
	)	
Colton Redi-Mix, Inc.	)	CONSENT AGREEMENT
	)	
	)	
Respondent	)	

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

1. On April 18, 2008, 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.
5. Complainant acknowledges that Respondent has closed the Class V Motor Vehicle Waste Disposal well at issue and has, pursuant to the requirements of the complaint, timely submitted documentary evidence of the closure.
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 accordance with Complainant's enforcement strategy for these specific types of cases, 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.

Colton Redi-Mix, Inc.  
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9. The undersigned representative of Respondent certifies that he 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.

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

Complainant

Date: 10/24/08

By: Michael T. Quiner

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

**COLTON REDI-MIX, INC.**

Respondent

Date: October 7, 2008

By: Warren Oberg, Pres.

Warren Oberg, President

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER, DOCKET NO.: SDWA-08-2008-0043** was filed with the Regional Hearing Clerk on October 30, 2008.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Jim Eppers, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document were placed in the United States mail certified/return receipt requested on October 30, 2008, to:

David A. Oberg, Registered Agent  
Colton Redi-Mix, Inc.  
109 E. 5<sup>th</sup> Street  
POB 185  
Colton, SD 57018

E-mailed to:

Michelle Angel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MSD-0002)  
Cincinnati, OH 45268

October 30, 2008

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

