



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2015 APR -6 AM 11:09

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2014-0037

IN THE MATTER OF:

DAVID GOUVEIA

And

CANON MARINE, INC.


RESPONDENT

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)
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b), 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 Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 6th DAY OF April, 2015.



Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Docket No. SDWA-08-2014-0037

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In the Matter of:)

David Gouveia and)
Canon Marine, Inc.,)

CONSENT AGREEMENT

Respondents)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and David Gouveia and Canon Marine, Inc. (Respondents), by their undersigned representatives, hereby consent and agree as follows.

1. On September 5, 2014, the EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondents for certain violations of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h *et seq.*, and the underground injection control regulations promulgated thereunder.
2. Respondents admit the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. Respondents waive their 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 the EPA and upon Respondents and Respondents' successors or assigns. Any change in the status of Respondents, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this

agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The EPA acknowledges that Respondents have timely closed the Class V Motor Vehicle Waste Disposal well at issue and submitted documentary evidence of the closure to the EPA.
6. Respondents agree to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. Due to Respondents' timely compliance and in consideration of the statutory penalty factors at 42 U.S.C § 300h-2(c)(4)(B), the EPA agrees to settle this action without the assessment of a civil penalty.
8. Nothing in this Consent Agreement shall relieve Respondents of the duty to comply with the SDWA and its implementing regulations.
9. The undersigned representative of Respondents certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondents 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. Respondents waive any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which Respondents may have, with respect to any issue of fact or law or any terms and conditions set forth in this Consent Agreement, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

13. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction of all requirements of this Consent Agreement by the parties, shall resolve Respondents' liability for federal civil penalties for the violations and facts alleged in the Complaint.

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

Complainant:

Date:

4/1/15

By:



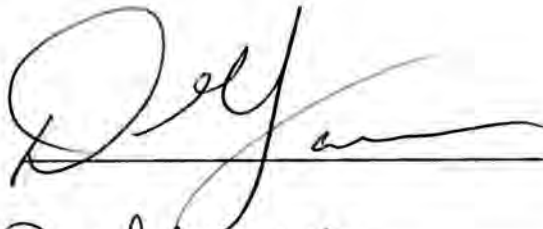
Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Respondents:

Date:

3/18/15

By:



Name, Title:

David Gowrie
President, owner

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter **DAVID GOUVEIA and CANNON MARINE, INC.;** **DOCKET NO.: SDWA-08-2014-0037** was filed with the Regional Hearing Clerk on April 6, 2015.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, 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 on April 6, 2015 to:

David Gouveia
Canon Marine, Inc.
927 Highway 115
Penrose, CO 81240

And emailed to:

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

April 6, 2015



Tina Artemis
Paralegal/Regional Hearing Clerk

