



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2013 JUL 25 PM 12: 10

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: SDWA-08-2013-0024

IN THE MATTER OF:

TUFFY MURPHY and  
SOUTHERN CROSS RANCHES, LLC.

Respondent

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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 Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 25<sup>th</sup> Day of July, 2013

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Docket No. SDWA-08-2013-0024

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In the Matter of: )  
)  
Tuffy Murphy and ) **CONSENT AGREEMENT**  
Southern Cross Ranches, LLC )  
)  
)  
)  
)  
Respondents. )

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Tuffy Murphy and Southern Cross Ranches, LLC, (Respondents), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On May 6, 2013, 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 admit nor deny 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



**In the Matter of:** Tuffy Murphy and Southern Cross Ranches, LLC, Owners/Operators  
**Docket No.:** SDWA-08-2013-0024

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 the 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.

**In the Matter of:** Tuffy Murphy and Southern Cross Ranches, LLC, Owners/Operators  
**Docket No.:** SDWA-08-2013-0024

12. Respondents waive any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which the 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 be a complete and full civil settlement of the specific violations alleged in the Complaint.

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

**Complainant.**

Date: July 24, 2013

By: Edie A. Sierra

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

In the Matter of: Tuffy Murphy and Southern Cross Ranches, LLC, Owners/Operators  
Docket No.: SDWA-08-2013-0024

**Respondents.**

Date: 7-16-2013

By: Kil A. Shumaker

Name, Title: Owner

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **TUFFY MURPHY and SOUTHERN CROSS RANCHES, LLC;** **DOCKET NO.: SDWA-08-2013-0024.** The documents were filed with the Regional Hearing Clerk on July 25 2013.

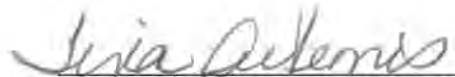
Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Mia Bearley, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on July 25, 2013, to:

Kirk Shiner  
Southern Cross Ranches  
33420 Antelope Road  
McCoy, CO 80463-9601

e-mailed to:

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

July 25, 2013



Tina Artemis  
Paralegal/Regional Hearing Clerk