

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUL 16 PM 1:00

Docket No. SDWA-08-2013-0024

FILED
EPA REGION VIII
HEARING CLERK

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

INTRODUCTION

1. On May 6, 2013, pursuant to the Safe Drinking Water Act, 42 U.S.C. § 300h-2, the Environmental Protection Agency (EPA) issued a Proposed Compliance Order, Penalty Complaint, and Notice of Opportunity for Hearing (Complaint) to Tuffy Murphy and Southern Cross Ranches, LLC, owners and/or operators, of Southern Cross Ranches (Respondents).
2. On May 24, 2013, Respondents sent the EPA a letter stating that Kirk A. Shiner, owner of the facility, received the Complaint but had a question regarding compliance of the subject drain as it related to Moffat County's authority to permit Respondents' septic system.
3. To address this question, on June 4, 2013, Christopher Ajayi and Britta Copt, of the EPA's water enforcement program, called Mr. Shiner to discuss the need to permanently close the floor drain in the maintenance shop because Class V Motor Vehicle Waste Disposal Wells are banned under the Safe Drinking Water Act as of January 1, 2007. Ms. Copt's email of the same date confirmed Respondents' agreement to send the EPA a drain closure plan.
4. On July 7, 2013, Respondents emailed to the EPA photographs evidencing closure of the Class V Motor Vehicle Waste Disposal well at the facility, stating that the facility had capped the existing floor drain and filled the drain with concrete on July 5, 2013.
5. Due to Respondents' submission evidencing permanent closure of the well, the EPA is preparing a Consent Agreement to settle this action, and expects the Agreement to be signed and submitted to the Regional Judicial Officer, with a request that it be incorporated into a final order, by August 21, 2013.

In the Matter of: Tuffy Murphy and Southern Cross Ranches, LLC, Owners/Operators
Docket No.:

CERTIFICATE OF SERVICE


The undersigned hereby certifies that the original and one copy of the STATUS REPORT was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via Certified Mail to:

Elyana R. Sutin
Regional Judicial Officer
EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

Kirk Shiner
Southern Cross Ranches
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Windsor, CO 80550

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

7/16/13
Date


Mia Bearley, Legal Enforcement Office