



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 8  
 1595 WYNKOOP STREET  
 DENVER, CO 80202-1129  
 Phone 800-227-8917  
<http://www.epa.gov/region08>

2010 MAR 23 AM 11:31


FILED  
 EPA REGION VIII  
 HEARING CLERK

DOCKET NO.: SDWA-08-2008-0021

IN THE MATTER OF:	)	
	)	
TOWN OF SPRINGFIELD	)	FINAL ORDER
A Colorado Municipality	)	
	)	
RESPONDENT	)	

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 23<sup>rd</sup> DAY OF March, 2010.

  
 \_\_\_\_\_  
 Elyana R. Sutin  
 Regional Judicial Officer

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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Docket No.: SDWA-08-2008-0021

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EPA REGION VIII  
HEARING CLERK

In the Matter of:	)	
	)	
Town of Springfield	)	
a Colorado Municipality	)	<b>CONSENT AGREEMENT</b>
	)	
	)	
	)	
<b>Respondent.</b>	)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent Town of Springfield (Respondent), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On February 29, 2008, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondent for certain violations of Part C 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 rights to a hearing before any tribunal and 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. EPA acknowledges that Respondent has timely closed the Class V injection well at issue and removed and disposed of associated concrete, piping and contaminated soil excavated from the site and has submitted documentary evidence of the closure, removal and disposal to EPA.
6. Respondent agrees to keep the Class V injection well at issue permanently closed.
7. Due to Respondent's timely compliance and in consideration of the statutory penalty factors in 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 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 attorneys 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**

Date: 15 March 2010

By: Sharon Z Keckler  
bor  
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

**TOWN OF SPRINGFIELD,  
a Colorado Municipality**

Date: 3-4-2010

By: Jay D. Suhler  
Jay D. Suhler  
Mayor

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **TOWN OF SPRINGFIELD, a Colorado Municipality; DOCKET NO.: CWA-08-2008-0021**. The **CONSENT AGREEMENT/FINAL ORDER** was filed with the Regional Hearing Clerk on March 23, 2010.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to Jim Eppers, Senior 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 March 23, 2010.

Honorable Jay Suhler  
Town of Springfield  
748 Main Street  
Springfield, CO 81073

E-mailed to:

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

March 23, 2010

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

