



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2009 APR 23 AM 8:05

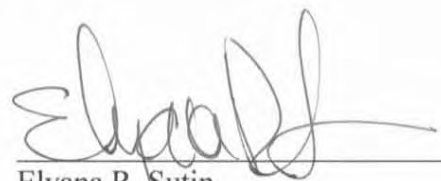
HEARINGS
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2008-0049

IN THE MATTER OF:)	
)	
AUTO PROS & AVENGER FOUR)	
WHEEL DRIVE, INC.)	
)	FINAL ORDER
And)	
)	
JEG PROPERTIES, LLC.)	
)	

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 22nd DAY OF April, 2009.



 Elyana R. Sutin
 Regional Judicial Officer

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2009 APR 23 AM 8:05

Docket No.: SDWA-08-2008-0049

REGIONAL
HEALTH OFFICE

In the Matter of:)	
)	
Auto Pros & Avenger Four)	
Wheel Drive, Inc.)	
)	
and)	CONSENT AGREEMENT
)	
JEG Properties, LLC.)	
)	
Respondents.)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondents Auto Pros & Avenger Four Wheel Drive, Inc. and JEG Properties, LLC. (Respondents), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

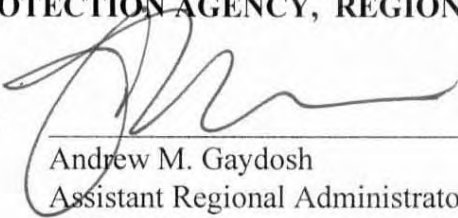
1. On May 8, 2008, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondents for certain violations of Part C of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h *et seq.*, and the underground injection control (UIC) regulations promulgated thereunder.
2. 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 EPA and upon Respondents and Respondents' heirs, successors or assigns. Any change in the ownership or corporate 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. EPA acknowledges that Respondents have closed the Class V Motor Vehicle Waste Disposal well at issue and have submitted documentary evidence of the closure to EPA in a timely fashion.
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 accordance with EPA's enforcement strategy for these specific types of cases, 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 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 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.

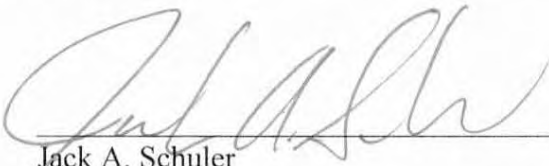
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8

Date: 4/14/09

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

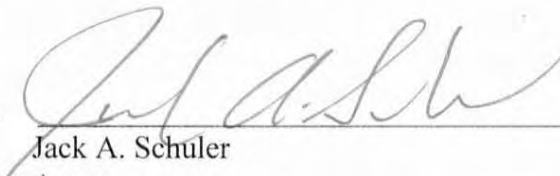
AUTO PROS & AVENGER FOUR WHEEL DRIVE, INC.

Date: 3/10/09

By: 
Jack A. Schuler
President

JEG PROPERTIES. LLC.

Date: 3/10/09

By: 
Jack A. Schuler
Agent

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **AUTO PROS & AVENGER FOUR WHEEL DRIVE, INC. and JEG PROPERTIES, LLC.; DOCKET NO.: SDWA-08-2008-0049**; these documents were filed with the Regional Hearing Clerk on April 23, 2009.


Further, the undersigned certifies that a true and correct copies 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 document was placed in the United States mail certified/return receipt requested on April 23, 2009 to:

Jack A. Schuler, President
Auto Pros and Avenger Four Wheel Drive, Inc.
Agent:
JEG Properties, LLC.
4712 Austin Bluffs Parkway
Colorado Springs, CO 80918

E-mailed to:

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

April 23, 2009


Tina Artemis
Paralegal/Regional Hearing Clerk

