



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

JAN 12 2012

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jihed Salameh, Owner
Cedars Enterprises, Inc.
3063 S. Tejon St.
Englewood, CO 80110

RE: Order for Compliance under the
Clean Water Act

Dear Mr. Salameh:

Enclosed is an Order for Compliance (Order) issued by the United States Environmental Protection Agency Region 8 (EPA) to Cedars Enterprises, Inc. (Cedars). The authority for issuing this Order is based on §§ 308 and 309(a)(3) of the Clean Water Act (the Act), 33 U.S.C. §§ 1318 and 1319(a)(3). As set forth in the Order, EPA has found that Cedars failed to submit a complete application to the Colorado Department of Public Health and Environment, Water Quality Control Division (CDPHE) for permit coverage under the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with the Recycling Industry (permit). Furthermore, at the time of the EPA inspection EPA observed stormwater being discharged which had visible oil sheen.

EPA issued Cedars a letter of violation (LOV) on August 11, 2011. The LOV required that Cedars submit a complete application to the CDPHE for permit coverage, as well as provide a response to the inspection report findings and corrective actions within 30 days of receipt. Our records show that you received the LOV on August 12, 2011. To date, Cedars has not submitted either of the required items.

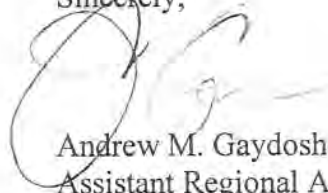
The Order specifies the nature of the violations under the Act and describes the actions necessary for Cedars to achieve compliance. Specifically, the Order requires Cedars to submit a complete application for permit coverage as well as copies of the inspections required by the permit as a result of the inspection EPA conducted of Cedars on May 12, 2011 to assess compliance with stormwater regulations under the Colorado Water Quality Control Act (25-8-101 et seq., CRS, 1973 as amended) and the Clean Water Act, as amended (33 U.S.C. § 1251, et seq.).

The Act requires EPA to take all appropriate enforcement action necessary to secure prompt compliance with the Act and conditions of permits issued under the Act. Section 309 of the Act, 33 U.S.C. § 1319, authorizes a variety of possible enforcement actions for noncompliance, including civil or criminal actions, administrative penalty actions, and, in some cases following a

criminal conviction, debarment from Federal contracts and/or loans. By issuing this Order, EPA is not precluded from assessing administrative penalties or filing a civil or criminal action in U.S. District Court for the violations cited in the Order. Additionally, EPA may take an enforcement action if this Order is violated.

Please review the Order carefully. If you have any questions regarding this letter, the enclosed Order, or any other matters pertinent to compliance with the Act, the most knowledgeable person on my staff for technical matters is Natasha Davis, Technical Enforcement, at (303) 312-6225. If you are represented by an attorney who has any questions, please ask the attorney to call Jean Belille, Enforcement Attorney, at (303) 312-6556.

Sincerely,



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

Enclosure: Administrative Order for Compliance

cc: Kathleen Rosow, CDPHE
Tina Artemis, Regional Hearing Clerk

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2012 JAN 12 AM 8:38

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)	
)	
Cedars Enterprises, Inc)	ADMINISTRATIVE ORDER
3063 South Tejon Street)	FOR COMPLIANCE
Englewood, CO 80110)	
)	Docket No. CWA-08-2012-0015
Respondent.)	

INTRODUCTION

This Administrative Order for Compliance (Order) is issued pursuant to §§ 308 and 309(a) of the Clean Water Act (Act), 33 U.S.C. §§ 1318 and 1319(a), which authorize the Administrator of the U.S. Environmental Protection Agency (EPA) to issue an order requiring compliance by any person found to be in violation of § 308 of the Act. These authorities have been delegated to the Regional Administrator of EPA Region 8 and redelegated to the undersigned official.

FINDINGS OF FACT AND LAW

The following findings are at all times relevant to this action and to each count of this complaint:

1. Respondent Cedars Enterprises, Inc. (Cedars or Respondent) is a corporation, incorporated in the State of Colorado.
2. Respondent is a "person" as defined in section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
3. Respondent owns and/or is engaged in receiving salvage vehicles and selling used motor vehicle parts from those vehicles at Cedars located at 3063 South Tejon Street, Englewood, Colorado (Site), and is therefore an "owner or operator" of a facility subject to regulation under the National Pollutant Discharge Elimination System (NPDES) program as defined in the regulations. 40 C.F.R. § 122.2. Respondent is engaged in an "industrial activity" as defined by 40 C.F.R. § 122.26(b)(14).
4. Section 402 of the Act, 33 U.S.C. § 1342, establishes a NPDES program, under which EPA (and states with authorization from EPA) may permit discharges of pollutants into navigable waters, subject to specific terms and conditions.

5. Section 402(p) of the Act, 33 U.S.C. § 1342(p), requires an NPDES permit for storm water discharges associated with industrial activities.
6. The Colorado Department of Public Health and Environment (CDPHE) was approved by EPA to administer the NPDES program on March 27, 1975. 40 Fed. Reg. 16713, April 14, 1975. A permit issued by CDPHE under Colorado's EPA-authorized NPDES program is known as a Colorado Discharge Permit System (CDPS) permit.
7. The CDPS general permit for Stormwater Discharges Associated With the Recycling Industry was issued by CDPHE on December 1, 2006.
8. Respondent is identified as an automobile recycler (SIC code 5015), under the CDPS general permit for Stormwater Discharges Associated With the Recycling Industry issued by CDPHE on December 1, 2006.
9. Respondent has day-to-day responsibility for operations at the Site.
10. The Site encompasses approximately 2 acres.
11. On May 12, 2011, inspectors from EPA conducted an NPDES stormwater inspection of the Site.
12. Inspectors observed evidence and obtained confirmation from Respondent that stormwater has run off the Site.
13. At the time of the inspection, stormwater was being discharged from the site. The stormwater had visible oil sheen.
14. At the time of the inspection, the Respondent had not sought or obtained authorization from CDPHE to discharge stormwater from the Site under the applicable general permit or any individual permit.
15. The runoff and drainage from the Site is "stormwater" as defined in 40 C.F.R. § 122.26(b)(13).
16. Stormwater contains "pollutants" as defined by section 502(6) of the Act, 33 U.S.C. § 1362(6).
17. At the time of the inspection, stormwater was flowing off the Site at the eastern border under the fence, flowing overland to the storm gutter along south Tejon Street, and then flowing south to a storm inlet near the intersection of south Tejon Street and west Dartmouth Ave. The storm sewer outlets approximately 0.5 miles from the site into the South Platte River.
18. Stormwater, snow melt, surface drainage and runoff water have been leaving the Site and

have flowed into the South Platte River.

19. The South Platte River is a “navigable water” as defined by section 502(7) of the Act, 33 U.S.C. § 1362 (7), and a “water of the United States” as defined by 40 C.F.R. § 122.2.
20. Each stormwater discharge from the Site is the “discharge of a pollutant” as defined by section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2.
21. Each stormwater discharge from the Site is a discharge from a “point source” as that term is defined in section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2.
22. In order to restore and maintain the integrity of the nation’s waters, section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into navigable waters, unless authorized by certain other provisions of the Act, including section 402 of the Act, 33 U.S.C. § 1342.
23. On August 11, 2011 EPA issued the Respondent a Letter of Violation for failure to obtain a CDPS general permit for the Stormwater Discharges Associated With the Recycling Industry.

FINDINGS OF VIOLATION

24. Respondent has failed to obtain coverage under the CDPS general permit for the Stormwater Discharges Associated With the Recycling Industry, in violation of § 402(p) of the Act, 33 U.S.C. § 1342(p) of the Act.
25. Respondent discharged stormwater which contained visible oil sheen, in violation of § 301(a) of the Act.

ORDER

26. Within 10 days of receipt of this Order, Respondent is to submit to the EPA and CDPHE, written notice of intent comply with the requirements of this Order.
27. Within 20 days of receipt of this Order, Respondent is to submit the Notice of Intent (NOI) to obtain coverage under the CDPS general permit for Stormwater Discharges Associated With the Recycling Industry to EPA and CDPHE.
28. The NOI requires a stormwater management plan (SWMP) and site map to be developed. Respondent is to submit a copy of the SWMP and site map to EPA and CDPHE with the NOI as required in paragraph 27.
29. Upon obtaining authorization to discharge stormwater under the CDPS general permit for Stormwater Discharges Associated With the Recycling Industry, Respondent shall submit copies of the preventative maintenance inspections required by Part I.B.1.c.5 of the

Permit to the EPA and CDPHE.

30. Respondent shall send all written notices and reports required by this Order to the following:

To EPA:
Natasha Davis (8ENF-W-NP)
U.S. EPA Region 8
Office of Enforcement, Compliance
and Environmental Justice
Technical Enforcement Program
1595 Wynkoop Street
Denver, CO 80202-1129

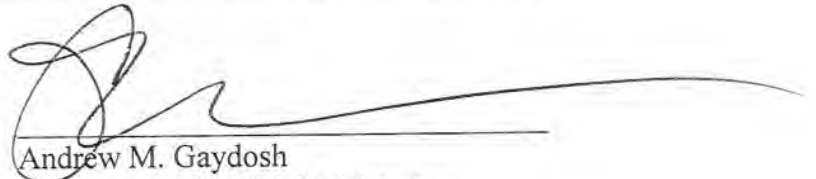
To CDPHE:
Nathan Moore
Colorado Department of Public
Health and Environment
Water Quality Control Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530

31. If Respondent asserts a business confidentiality claim for information required to be submitted under this Order, Respondent shall provide such information only to EPA and adhere to the procedures in 40 C.F.R. part 2, subpart B. EPA will determine if the information Respondent has designated meets the criteria in 40 C.F.R. § 2.208 for being treated as confidential. Unless Respondent asserts a confidentiality claim at the time the information is submitted, the information shall be provided to both EPA and the CDPHE as specified in this Order, and EPA may make the information available to the public without further notice to Respondent.
32. Any failure to comply with the requirements of this Order shall constitute a violation of this Order and may subject Respondent to penalties as provided under the Act. 33 U.S.C. § 1319.
33. This Order does not constitute a waiver or modification of the terms and conditions of the Permit, which remains in full force and effect. Nor does this Order waive any other legal responsibility or liability of Respondent.
34. This Order does not constitute a waiver of or election by EPA to forego any civil or criminal action to seek penalties, fines or other relief under the Act. Section 309(d) of the Act, 33 U.S.C. § 1319(c), as adjusted for inflation by 40 C.F.R. part 19, authorizes the imposition of civil penalties of up to \$37,500 per day for each violation of the Act or the Permit. Section 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations.
35. Nothing in this Order shall be construed to prevent EPA from instituting further action under § 309 of the Act for the violations cited in this Order or to relieve Respondent from responsibilities, liabilities, or penalties pursuant to any applicable federal, state, or local law or regulation.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Date: January 12, 2012

By:



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

CERTIFICATE OF SERVICE

I certify that the foregoing administrative order was sent or delivered on this day as follows:

Original and one copy hand delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection
Agency (8RC)
Region 8
1595 Wynkoop Street
Denver, CO 80202

Copy by certified mail, return receipt requested (no. 7009-3410-0000-2592-7416)
to:

Jihed Salameh, Owner
Cedars Enterprises, Inc.
3063 S. Tejon St.
Englewood, CO 80110

1/12/2012
Date

By: Judith McTernan
Judith McTernan