



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

DOCKET NO.: SDWA-08-2007-0094

IN THE MATTER OF )  
 )  
VALLEY ENTERPRISES, INC. ) FINAL ORDER  
d/b/a MOUNTAIN VISTA VETERINARY )  
SERVICES )  
 )  
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 21<sup>st</sup> DAY OF June, 2008.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Docket No. SDWA-08-2007-0094

In the Matter of:

Valley Enterprises, Inc. d/b/a Mountain )  
Vista Veterinary Services ) CONSENT AGREEMENT  
Respondent )

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Valley Enterprises, Inc. d/b/a Mountain Vista Veterinary Services (Respondent), by their undersigned representatives, hereby consent and agree as follows:

1. On September 27, 2007, Complainant issued to Nancy Haugan d/b/a Mountain Vista Veterinary Services a Complaint With Notice Of Opportunity For Hearing (original complaint) alleging certain violations of the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26. The original complaint proposed a civil penalty for the violations alleged therein.
2. On November 1, 2007, counsel for Nancy Haugan d/b/a Mountain Vista Veterinary Services filed an Answer to the original complaint stating, among other things, that Valley Enterprises, Inc. d/b/a Mountain Vista Veterinary Services is the proper Respondent in this case since Valley Enterprises, Inc. does business under the assumed business name of Mountain Vista Veterinary Services.
3. On May 7, 2008, Complainant moved to amend the complaint to, among other things, substitute the entity Valley Enterprises, Inc. d/b/a Mountain Vista Veterinary Services as the Respondent in place of Nancy Haugan d/b/a Mountain Vista Veterinary Services. A signed amended complaint was attached to the motion and filed with the court.
4. On May 12, 2008, the Region 8 Presiding Judicial Officer granted the motion to amend the complaint (amended complaint), making Valley Enterprises, Inc. d/b/a Mountain Vista Veterinary Services (Respondent) the Respondent in this action
5. Respondent admits the jurisdictional allegations of the amended complaint and neither admits nor denies the specific factual allegations of the amended complaint.

6. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the amended complaint, or this Consent Agreement.
7. 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.
8. For the purposes of settlement of the amended complaint, Respondent consents to pay a civil penalty in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) in the manner described below in this paragraph:

- a. The first payment of Five Thousand Dollars (\$5,000.00) is due within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer that adopts this Consent Agreement.  
  
The second payment of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00) is due within 135 calendar days from the date written on the Final Order.  
  
The third and final payment of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00) plus interest and charges (see subparagraphs d and e of this paragraph 8) is due within 270 calendar days from the date written on the Final Order. EPA will provide to Respondent, in writing, the exact amount due in this final payment.

If any due date falls on a weekend or legal federal holiday, the due date is the next business day. The date a payment is made is considered to be the date of the deposit ticket issued by the bank or finance center described below. Payments must be received by 11:00 a.m. Eastern Time to be considered as received that day.

- b. The payments shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amounts described above, payable to "Treasurer, United States of America," to:

**REGULAR MAIL:**

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**OVERNIGHT MAIL:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
314-418-4087

**WIRE TRANSFERS:**

Wire transfers should be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental  
Protection Agency"

**ONLINE PAYMENTS:**

[www.pay.gov](http://www.pay.gov)

Enter SFO 1.1 in the "search public forms" field  
Open form and enter the information

c. A copy of the check shall be sent simultaneously to:

Britta Copt  
Technical Enforcement Program (8ENF-T)  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

and

Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

- d. In the event payment is not received by the specified due date, interest accrues from the date of the final order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (i.e., on the 1<sup>st</sup> late day, 30 days of interest accrues).
- e. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the final order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.
- f. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
9. For as long as Respondent has used x-ray processing fluids at its facility at 551 Highway 37 in Eureka, Montana, Respondent agrees to contain them on site and contract with a commercial disposal company to collect and properly dispose of them. The fluids to be contained by Respondent and collected and disposed of by the company include both fixer and developer.
10. As a one time requirement, Respondent shall, between 180 and 210 calendar days from the date written on the Final Order, provide to EPA copies of invoices evidencing each collection event described in paragraph 9, above. The invoices shall clearly indicate that both fixer and developer were collected and shall be sent to Britta Copt at the address identified in paragraph 8, above.
11. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Safe Drinking Water Act and its implementing regulations.
12. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
13. Nothing in this Consent Agreement shall be construed as a waiver by EPA or any other federal entity of its authority to seek costs or any appropriate penalty

associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

14. The undersigned representative of Respondent certifies that he or she 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.

15. The parties agree to submit this Consent Agreement, once signed, to the Regional Judicial Officer, with a request that it be incorporated into a final order.

16. Each party shall bear its own costs and attorney fees in connection with this matter.

17. 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 amended complaint.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 3**

Complainant

Date: 06/19/2008

By: Andrew M. Gaydosh

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

**VALLEY ENTERPRISES, INC. D/B/A  
MOUNTAIN VISTA VETERINARY  
SERVICES**

Respondent

Date: 6-6-08

By: James H. [Signature]

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **VALLEY ENTERPRISES, INC. d/b/a MOUNTAIN VISTA VETERINARY SERVICES; DOCKET NO.: SDWA-08-2007-0094** was filed with the Regional Hearing Clerk on June 26, 2008.

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 June 26, 2008, to:

Elizabeth A. O'Halloran  
Milodragovich, Dale, Steinbrenner & Nygren, P.C.  
P. O. Box 4947  
Missoula, MT 59806-4947

Hand delivered to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
U. S. Environmental Protection Agency – Region 8  
1595 Wynkoop Street (8RC)  
Denver, CO 80202-1129

E-mailed to:

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

June 26, 2008

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

