



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2015 OCT 21 AM 10:54

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2015-0040

IN THE MATTER OF:

ARTZ EQUIPMENT, INC.

38399 U. S. Highway 12

Aberdeen, South Dakota 57401-8403

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)(2) and (3), 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 21st DAY OF October, 2015.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 OCT 20 PM 4:16

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
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Artz Equipment, Inc.) **CONSENT AGREEMENT**
38399 U.S. Highway 12)
Aberdeen, South Dakota, 57401-8403)
) **DOCKET NO.: SDWA-08-2015-0040**
Respondent)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Artz Equipment, Inc. (Respondent), by its undersigned representative, hereby consent and agree as follows.

1. On August 12, 2015, the EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondent for certain violations of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h *et seq.*, and the underground injection control 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 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 the EPA and upon Respondent and Respondent's successors or assigns. Any change in the status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this

agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The EPA acknowledges that Respondent has timely closed the Class V Motor Vehicle Waste Disposal well at issue and submitted documentary evidence of the closure to the EPA. The well, a floor drain and sump unit that had the potential to collect and discharge motor vehicle waste fluid, was located in the motor vehicle maintenance area.
6. Respondent agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. Due to Respondent's timely compliance and in consideration of the statutory penalty factors at 42 U.S.C § 300h-2(c)(4)(B), the 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 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.
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 attorney fees in connection with this matter.
12. Respondent waives any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which Respondent may have, with respect to any issue of fact or law or any terms and conditions set forth in this Consent Agreement,

including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

13. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction of all requirements of this Consent Agreement by the parties, shall resolve Respondent's liability for federal civil penalties for the violations and facts alleged in the Complaint.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Complainant:

Date:

10/20/15

By:



Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Respondent:

Date:

9-28-2015

By:



Name, Title:

Douglas A. Te President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER**, in the matter **ARTZ EQUIPMENT, INC.; DOCKET NO.: SDWA-08-2015-0040** was filed with the Regional Hearing Clerk on October 21, 2015.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on October 21, 2015 to:

Respondent is:

Douglas Artz, President
Artz Equipment, Inc.
38399 U. S. Highway 12
Aberdeen, SD 57401-84033

October 21, 2015



Tina Artemis
Paralegal/Regional Hearing Clerk

