

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8 1595 WYNKOOP STREET DENVER, CO 80202-1129 Phone 800-227-8917

http://www.epa.gov/region08

2013 JUL 31 AM 9:59

EPA REGION VIII HEARING CLERK

DOCKET NO.: SDWA-08-2013-0030

IN THE MATTER OF:	3	
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ALPINE EXPRESS, INC.	j	FINAL ORDER
)	
Respondent)	
)	

Pursuant to 40 C.F.R. § 22.18(b)(2) 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 Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 3 Day of July , 2013.

Elyana R. Shih Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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	Docket No. SD	WA-08-2013-0030	EFA REGION VIII
In the Matter of:)		No management
Alpine Express, Inc.)	CONSENT AGREEM	TENT
Alpine Express, inc.	3	CONSENT AGREEN	IENI
)		
Respondent)		

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

BACKGROUND

- On May 20, 2013, 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 <u>et seq.</u>, and the underground injection control regulations promulgated thereunder.
- Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
- 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.
- 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.
- Respondent agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
- 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.
- Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations.
- The undersigned representative of the 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.
- The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a final order.
- 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 the 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. §§ 701-708.

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 be a complete and full civil settlement of the specific violations alleged in the Complaint.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,

Complainant.

Date: 7-31-2013

By: Eddie a Sierra

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

Respondent.

Date: 7-31-2013

Name, Title: Meshet All, MC

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached CONSENT AGREEMENT/FINAL ORDER in the matter of ALPINE EXPRESS, INC.; DOCKET NO.: SDWA-08-2013-0030. The CONSENT AGREEMENT was filed with the Regional Hearing Clerk on July 30, 2013 and the FINAL ORDER was filed on July 31, 2013.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Mia Bearley, 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 July 31, 2013, to:

Mike Potoker Alpine Express, Inc. 510 Riverland Drive Crested Butte, CO 81230

And emailed to:

Honorable Elyana R. Sutin Regional Judicial Officer U. S. Environmental Protection Agency 1595 Wynkoop Street Denver, CO 80202

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

July 31, 2013

Tina Artemis

Paralegal/Regional Hearing Clerk