



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2008 MAR 13 PM 1:59

EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CAA-08-2007-0004

IN THE MATTER OF:

GUY ZWAHLEN

RESPONDENT

)  
)  
)  
)  
)

FINAL ORDER

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 13<sup>th</sup> DAY OF March, 2008

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2008 MAR 13 PM 1:59

DOCKET NO. CAA-08-2007-0004

EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )  
)  
Guy Zwahlen )  
45 W. Louise Avenue ) CONSENT AGREEMENT  
Salt Lake City, UT 84115, )  
)  
Respondent. )

Complainant, United States Environmental Protection Agency-  
Region 8, and Respondent, Guy Zwahlen, by their undersigned  
representatives, hereby consent and agree as follows:

1. On September 25, 2007, Complainant issued a Complaint to  
Respondent in this matter alleging certain violations of the Clean Air  
Act (CAA) and its implementing regulations. In the Complaint,  
Complainant proposed a civil penalty of \$141,287.

2. Respondent admits the jurisdictional allegations, and neither  
admits nor denies the remaining allegations, of the Complaint.  
Respondent waives its right to contest any allegations at a hearing or  
at a civil proceeding in connection with the enforcement of the Final  
Order incorporating this Consent Agreement.

3. Within thirty (30) calendar days of receipt of a fully-  
executed Consent Agreement in this matter, Respondent shall pay a  
civil penalty in the amount of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS  
(\$17,500) by remitting a cashier's or certified check for that amount,  
payable to "Treasurer, United States of America," to:

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

The payment shall reference the name and address of Respondent and the EPA Docket Number of this action. A copy of the transmittal of payment shall be sent simultaneously to:

Jessie Goldfarb (8ENF-L)  
Senior Enforcement Attorney  
U.S. EPA-Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129.

4. If Respondent fails to pay the amount specified in Paragraph 3 by the due date specified in that Paragraph, the entire proposed penalty of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) shall immediately become due and owing by Respondent. Furthermore, interest on the entire proposed penalty of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) shall accrue at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of ONE HUNDRED DOLLARS (\$100) shall be imposed upon Respondent after the first 30 days that a payment, or any portion thereof, is overdue, with an additional charge of FIFTY DOLLARS (\$50) imposed for each subsequent 30-day period until the payment due is received. In addition, a six per cent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days of any installment due date.

5. Respondent understands that failure to comply with any of the terms of this Consent Agreement, upon incorporation into a Final Order, will constitute a breach of the Agreement and Order and may result in referral of the matter to the United States Department of Justice for enforcement of the Agreement, and for such other relief as is deemed appropriate.

6. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a Final Order.

7. 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 settlement of the specific violations alleged in the Complaint in this matter.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CAA, its implementing regulations, and other environmental laws.

9. Penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

10. The parties agree to bear their own costs and attorney fees.

11. The undersigned representative of each party to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and bind that party to the Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY-  
REGION 8, Complainant

3/11/08

Date



for Cindy Reynolds, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance, and  
Environmental Justice

3/11/08

Date

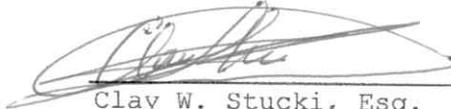


David J. Janik, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance, and  
Environmental Justice

GUY ZWAHLEN, Respondent.

3/5/08

Date



Clay W. Stucki, Esq.  
Attorney for Respondent

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **GUY ZWAHLEN, DOCKET NO.: CAA-08-2007-0004** was filed with the Regional Hearing Clerk on February 13, 2008.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jessie Goldfarb, 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 February 13, 2008.

Clay W. Stucki  
Bennett, Tueller, Johnson & Deere  
3165 East Millrock Drive, Suite 500  
Salt Lake City, UT 84121-5027

Pouch mailed to:

Honorable William B. Moran  
U. S. Environmental Protection Agency  
Office of Administrative Law Judges (1900L)  
1200 Pennsylvania Avenue, N. W.  
Washington, DC 20460

E-mailed to:

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

February 13, 2008

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

