

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 2010 DEC 20 AM 10: 27

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

EPA REGION VILL BEARING CLERK

DOCKET NO.: SDWA-08-2010-0061

IN THE MATTER OF:	)
J-W WIRELINE COMPANY	) FINAL ORDER
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 2010 DAY OF December, 2010.

Elyana R. Sutin

Regional Judicial Officer

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

2010 DEC 20 AH 11: 47

Docket No.: SDWA-08-2010-0061

EPA REGION VIII WEARING CLERK

In the Matter of:	)
J-W Wireline Company	) CONSENT AGREEMENT
Respondent.	)

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, J-W Wireline Company (Respondent), by their undersigned representatives, hereby consent and agree as follows.

### BACKGROUND

- On July 15, 2010 EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Respondent for certain violations of Part C of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h et seq., and the underground injection control (UIC) 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.
- This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors or assigns. Any

change in the ownership or corporate 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 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), 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.
- 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 attorneys fees in connection with this matter.

## 12. 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 Complaint.

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,

Complainant.

Date: 12/15/10

Andrew M. Gaydosh

Assistant Regional Administrator Office of Enforcement, Compliance and Environmental Justice

J-W Wireline Company,

Respondent.

Date: 12 - 10

By:

Name, Title:

#### CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **J-W WIRELINE**, **COMPANY**; **DOCKET NO.: SDWA-08-2010-0061** was filed with the Regional Hearing Clerk on December 20, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to Eduardo Quintana, 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 and e-mailed on December 20, 2010, to:

Stephen A. Bain, #18198 Welborn Sullivan Meck & Tooley, P. C. 821 17<sup>th</sup> Street, Suite 500 Denver, CO 80202 sbain@wsmtlaw.com

E-mailed to:

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

December 20, 2010

Tina Artemis

Paralegal/Regional Hearing Clerk