



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

FILED  
 EPA REGION VIII  
 HEARING CLERK

DOCKET NO.: SDWA-08-2013-0030

IN THE MATTER OF: )  
 )  
 ALPINE EXPRESS, INC. ) 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 31<sup>st</sup> Day of July, 2013.

Elyana R. Stein  
 Regional Judicial Officer



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

5. 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.
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 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.
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 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

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

**Respondent.**

Date: 7-31-2013

By: [Signature]

Name, Title: President A&E, Inc  
DBA Alpine Business

## 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:

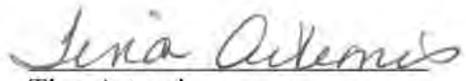
Mike Potoker  
Alpine Express, Inc.  
510 Riverland Drive  
Crested Butte, CO 81230

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