



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-UFO

AUG 31 2015

CERTIFIED MAIL #70050390000048453770
RETURN RECEIPT REQUESTED

Corvette Center of Colorado Springs
Attn: Mr. Rik Noring, Jr., Manager
18510 Midway Ranch Road
Fountain, Colorado 80817

Re: Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing
Docket No. **SDWA-08-2015-0042**

Dear Mr. Noring:

Enclosed is a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity For Hearing (Complaint) issued by the Environmental Protection Agency (EPA) as authorized by the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2. The document describes how Corvette Center of Colorado Springs has violated the SDWA and proposes both compliance requirements and the assessment of a civil penalty.

Please note that there are deadlines in the Complaint that must be followed. The Complaint is effective upon the receipt date, and you have thirty (30) calendar days to file an answer to dispute the contents of the Complaint.

If you have any technical questions, contact Britta Copt at the above address (with the mail code 8ENF-UFO) or by phone at (303) 312-6229. For legal questions, the attorney assigned to this matter is Mia Bearley, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

for *Eduardo A. Sierra*
Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures: 1. Proposed Compliance Order, Penalty Complaint,
and Notice of Opportunity for Hearing

2. Part 22 Rules of Practice
3. Public Notice
4. U.S. EPA Small Business Resources Fact Sheet

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 AUG 31 PM 2: 28

Docket No. SDWA-08-2015-0042

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Corvette Center)
of Colorado Springs)
)
Respondent.)

**PROPOSED COMPLIANCE ORDER,
PENALTY COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

INTRODUCTION

1. This Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) is authorized by Congress in section 1423 of the Public Health Service Act, commonly known as the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2. The Environmental Protection Agency (EPA) regulations authorized by the SDWA are set forth in part 144 of title 40 of the Code of Federal Regulations (Regulations or C.F.R.), and violations of the Regulations constitute violations of the SDWA. The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits" (Rules of Practice), 40 C.F.R. Part 22, a copy of which is enclosed.

2. The undersigned EPA official has been properly delegated the authority to issue this Complaint.

3. The EPA alleges that Corvette Center of Colorado Springs (Respondent), owner and/or operator, has violated the Regulations and therefore the SDWA, as more fully explained below.

NOTICE OF OPPORTUNITY FOR A HEARING

4. Respondent has the right to a public hearing before a presiding officer within the Agency to (1) disagree with any fact alleged by the EPA in the Complaint, (2) state the grounds for any legal defense or (3) disagree with the appropriateness of the proposed penalty.

5. To disagree with the Complaint and assert Respondent's right to a hearing, Respondent must file a written answer (and one copy) with the Regional Hearing Clerk (1595 Wynkoop Street (8RC); Denver, Colorado 80202) within thirty (30) calendar days of receiving this Complaint. The answer must clearly admit, deny or explain the factual allegations of the Complaint, the grounds for any defense, the facts Respondent may dispute and Respondent's specific request for a public hearing. Please see section 22.15 of the Rules of Practice for a complete description of what must be in the answer. **FAILURE TO FILE AN ANSWER AND REQUEST A HEARING WITHIN THIRTY (30) CALENDAR DAYS MAY WAIVE RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS OR**

PROPOSED PENALTY, AND RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF PENALTY UP TO THE MAXIMUM AUTHORIZED BY THE SDWA.

SETTLEMENT NEGOTIATIONS

6. The EPA encourages discussing whether cases can be settled through informal settlement conferences. If Respondent wants to pursue the possibility of settling this matter, or has any other questions, contact Mia Bearley, Enforcement Attorney, at (303) 312-6554 or at the following address:

Mia Bearley (Mail Code 8ENF-L)
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Please note that calling Ms. Bearley or requesting a settlement conference does NOT delay the running of the thirty (30) day period for filing an answer and requesting a hearing.

GENERAL ALLEGATIONS

The following general allegations apply to all times relevant to this action and to each violation alleged in this Complaint:

7. Respondent is a “person” as defined in the SDWA, and is therefore subject to the requirements of the SDWA and/or the Regulations. 42 U.S.C. § 300f (12).

8. Respondent owns and/or operates the facility known as Corvette Center of Colorado Springs, located at 18510 Midway Ranch Road, Fountain, Colorado (Facility).

9. On June 28, 2013, authorized EPA employees and a representative from the El Paso County Department of Health (inspectors) entered the Facility, with consent, to inspect it for compliance with the law. Respondent stated that the Facility uses the garage, or vehicle maintenance shop area (shop), for car repair and car washing.

10. The inspection confirmed that the shop has two floor drains. There is also a sink/parts washer that leads to one of the floor drains. Respondent indicated that the shop’s floor drains lead to a sand/soil separator, which is a cistern system (outside the southwest corner of the building) which, in turn, drains into the ground. The EPA records indicate that the Facility’s septic system is separate from the shop’s drainage system.

11. Respondent’s disposal system, as identified in the inspection above, is classified as a “Class V Injection Well” as defined by 40 C.F.R. §§ 144.6, 144.81 and 146.5. Respondent is subject to applicable requirements of 40 C.F.R. §§ 124, 144 and 146.

12. Based on the inspection described above, Respondent owns and/or operates a Class V Motor Vehicle Waste Disposal Well.

13. Lying beneath Respondent's Class V Motor Vehicle Waste Disposal Well" are underground sources of drinking water (USDWs), including but not limited to, Dakota-Cheyenne Aquifer.

14. Respondent is in violation of:

(a) 40 C.F.R. §§ 144.12(a) and 144.82(a)(1) by owning, operating or maintaining a Class V Motor Vehicle Waste Disposal Well which, through injection activity, may allow the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons; and

(b) 40 C.F.R. § 144.88(b) for operating Class V Motor Vehicle Waste Disposal Wells after the January 1, 2007 ban of all Class V Motor Vehicle Waste Disposal Wells.

Respondent's operation of the Class V Motor Vehicle Waste Disposal Wells is in violation of the Regulations and Respondent is therefore in violation of the SDWA. 42 U.S.C. § 300h-2(c)(1).

PROPOSED COMPLIANCE ORDER

15. Respondent shall:

(a) within thirty (30) calendar days of Respondent's receipt of this Complaint, submit to the EPA, in writing, a schedule for permanently closing the Class V Motor Vehicle Waste Disposal Well in the motor vehicle maintenance area, and a plan for alternative disposal of the waste. If the closure includes the use of a self-contained holding tank, the plan must address the specific type, specifications and size of tank to be installed. The EPA will promptly review the proposed plan and either approve it or provide Respondent with written comments;

(b) within sixty (60) calendar days of the receipt of this Complaint, permanently close the Class V Motor Vehicle Waste Disposal Well; and

(c) within thirty (30) calendar days of completing this work, provide the EPA with subsequent documentation of the closure.

16. Respondent shall submit all documentation to Britta Copt, Enforcement Specialist, by email at copt.britta@epa.gov, or by mail at:

Britta Copt (Mail Code 8ENF-UFO)
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

PROPOSED CIVIL PENALTY

17. For an administrative proceeding, the SDWA authorizes the assessment of a civil penalty of up to \$16,000 per day, for each violation of the SDWA, up to a maximum of \$187,500. 42 U.S.C. § 300h-2(c)(1). The SDWA requires the EPA to take into account appropriate factors in assessing a civil penalty, including the seriousness of the violations, the economic benefit resulting from the violations, any history of such violations, any good-faith efforts to comply with the requirements, the economic impact on the violator and such other matters as justice may require.

18. As required by the SDWA, prior to the assessment of a civil penalty, the EPA will provide public notice of the proposed penalty, and reasonable opportunity for the public to comment on the matter and present evidence in the event a hearing is held. 42 U.S.C. § 300h-2(c)(3)(B).

Date: August 28, 2015

By: Eddie A. Sierra
for Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
PROPOSED COMPLIANCE ORDER, PENALTY COMPLAINT AND
NOTICE OF OPPORTUNITY FOR HEARING AGAINST
CORVETTE CENTER OF COLORADO SPRINGS
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint), Docket No. SDWA-08-2015- 0042 that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue to Corvette Center of Colorado Springs for alleged violations at its facility located in Fountain, Colorado. The Complaint alleges violations of the Safe Drinking Water Act (SDWA) and the regulations detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations (Regulations) govern the injection of fluids that may endanger an underground source of drinking water (USDW). The Complaint proposes compliance requirements and monetary penalties for the alleged violations.

The EPA requests written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the Complaint is appropriate. The EPA will review and consider all comments received, and will thereafter determine whether to modify or withdraw the Complaint.

BACKGROUND

Part C of the SDWA (40 U.S.C. § 300h *et seq.*) requires the EPA to regulate underground injection of fluid through wells to assure that USDWs are not endangered. Section 1421 of the SDWA (40 U.S.C. § 300h) requires the EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of Colorado; therefore, the EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.) parts 124, 144, 146, 147 and 148.

The Class V motor vehicle waste disposal well which is the subject of this Complaint, is located at 18510 Midway Ranch Road, Fountain, Colorado. A Class V injection well, pursuant to 40 C.F.R. §§ 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW.

The Complaint alleges that owner and/or operator, Corvette Center of Colorado Springs, is in violation of the Regulations and is subject to appropriate penalties for operating a banned well, failing to prevent movement of fluids into a USDW that may cause a violation of a primary drinking water regulation under 40 C.F.R. part 142, or otherwise potentially adversely affecting the health of persons. The

Complaint cites that the EPA may assess an administrative civil penalty of up to \$16,000 per day for each violation of the SDWA, up to a maximum of \$187,500, and proposes certain compliance measures, including the permanent closure of the well.

PUBLIC COMMENTS

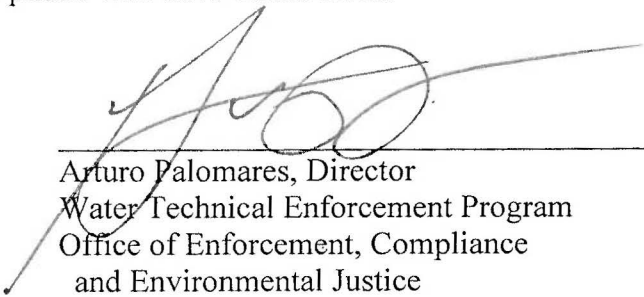
Written comments on the Complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public as well as information submitted by Corvette Center of Colorado Springs will be available for public review as part of the administrative record, subject to the provisions of law restricting the disclosure of confidential information. Corvette Center of Colorado Springs may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The Complaint and the administrative record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the administrative record call Mia Bearley, Enforcement Attorney, at (303) 312-6554 before visiting the EPA Region 8 offices. Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Britta Copt in the UIC program, at (303) 312-6229.

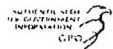
THE DECISION

The EPA will review and consider all public comments received on the public notice and will thereafter determine whether to modify or withdraw the Complaint. If the Complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202



**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 22

[EPA-HQ-OECA-2014-0551; FRL-9914-32-OECA]

RIN 2020-AA50

**Consolidated Rules of Practice
Governing the Administrative
Assessment of Civil Penalties,
Issuance of Compliance or Corrective
Action Orders, and the Revocation,
Termination or Suspension of Permits**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This direct final rule revises
the scope of the Environmental



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791