



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 SEP 27 AM 8:19

Docket No. SDWA-08-2011-0062

FILED  
EPA REGION VIII  
HEADQUARTERS OF EPA

In the Matter of:

Leonard Vahsholtz d/b/a  
Vahsholtz Automotive

Respondent.

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**CONSENT AGREEMENT**

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Leonard Vahsholtz d/b/a Vahsholtz Automotive (Respondent), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On August 29, 2011, 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 *et seq.*, and the underground injection control (UIC) regulations promulgated thereunder.
2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. 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 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,

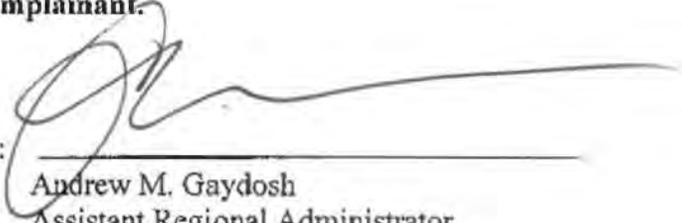
any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

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 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), 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 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. 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: 9/27/2011

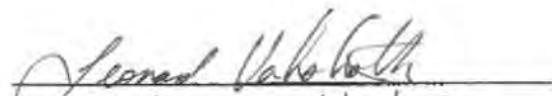
By: 

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

**Leonard Vahsholtz d/b/a Vahsholtz Automotive**

**Respondent.**

Date: 9-19-11

By:   
Name: Leonard Vahsholtz  
Title: owner

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of **LEONARD VAHSHOLTZ d/b/a VAHSHOLTZ AUTOMOTIVE; DOCKET NO.: SDWA-08-2011-0062**, was filed with the Regional Hearing Clerk on September 27, 2011.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Marc Weiner, 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 on September 27, 2011, to:

Leonard Vahsholtz, Owner  
Vahsholtz Automotive  
1000 Loop Drive  
Woodland Park, CO 80863

And emailed to:

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

September 27, 2011

  
Tina Artemis  
Paralegal/Regional Hearing Clerk