



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2009 MAY 14 AM 11:42

EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2008-0089

IN THE MATTER OF:

MIKE'S AUTOMOTIVE, LLC.

JEFF HEPPNER d/b/a A-ALL AREA

TRANSMISSION, AND JPW HOLDINGS LLC.)

RESPONDENTS

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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 Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 14th DAY OF May, 2009.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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In the Matter of:)
)
Mike's Automotive, LLC,)
Jeff Heppner dba A-All Area)
Transmissions, and)
JPW Holdings LLC)
)
)
)
Respondents.)

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent JPW Holdings LLC (Respondent JPW), by their undersigned representatives, hereby consent and agree as follows.

BACKGROUND

1. On August 12, 2008, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Mike's Automotive, LLC, Jeff Heppner dba A-All Area Transmissions, and JPW Holdings LLC (Original Respondents) 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.

2. Respondent JPW admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. Respondent JPW 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 JPW and its heirs, successors or assigns. Any change in the ownership or corporate status of Respondent JPW, including, but not limited to, any transfer of assets or real or personal property, shall not alter its responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.
5. EPA acknowledges that Respondent JPW has closed the Class V Motor Vehicle Waste Disposal well at issue in a timely manner and has submitted documentary evidence of the closure to EPA.
6. Respondent JPW agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. Due to Respondent JPW's timely compliance and in accordance with EPA's enforcement strategy for these specific types of cases, EPA agrees to settle this action without the assessment of a civil penalty.
8. Nothing in this Consent Agreement shall relieve the Original Respondents of the duty to comply with the SDWA and its implementing regulations.
9. The undersigned representative of Respondent JPW certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent

JPW 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.
13. Pursuant to 40 C.F.R. § 22.14(d), due to Respondent JPW's closure of the well at issue which negated its environmental risk and since no answer was filed in this action, Complainant withdraws the Complaint as it relates to Respondents Mike's Automotive, LLC and Jeff Heppner dba A-All Area Transmissions.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 05/12/09

By: Eddie A. Sierra
~~for Andrew M. Gaydos~~ EDDIE A. SIERRA
ACTING Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

JPW HOLDINGS, LLC

Date: 4-29-09

By: Royce Willson
Royce Willson
Manager and Registered Agent

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **MIKE'S AUTOMOTIVE, LLC, JEFF HEPPNER d/b/a A-ALL AREA TRANSMISSIONS, and JPW HOLDINGS LLC.**; **DOCKET NO.: SDWA-08-2008-0089**; these documents were filed with the Regional Hearing Clerk on May 14, 2009.

Further, the undersigned certifies that a true and correct copies of the documents were delivered to Jim Eppers, 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 May 14, 2009 to:

Mikel J. Gerdes, President and Registered Agent
Mike's Automotive, LLC.
1700 south 120th Street, 1-A
Lafayette, Colorado 80026

Jeff Heppner, Owner
A-All Area Transmissions
1700 south 120th Street, 4-A
Lafayette, Colorado 80026

Royce Willson, Registered Agent
JPW Holdings LLC.
1700 south 120th Street, 2-A
Lafayette, Colorado 80026

E-mailed to:

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

May 14, 2009



Tina Artemis
Paralegal/Regional Hearing Clerk