



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 SEP 21 AM 10:20

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

EPA REGION VIII  
HEADING CLERK

DOCKET NO.: SDWA-08-2011-0010

IN THE MATTER OF:

KURT J. MENGES,  
d/b/a MENGES AUTO REPAIR

Respondent

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FINAL ORDER

Pursuant to 40 C.F.R. §22.13(b) and 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.

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 21<sup>st</sup> Day of September, 2011

Elyana R. Sutin  
Regional Judicial Officer

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY** 2011 SEP 20 PM 3:41  
**REGION 8**

FILED  
EPA REGION VIII  
HEARINGS CLERK

In the Matter of: )  
)  
Kurt J. Menges, d/b/a )  
Menges Auto Repair. ) Docket No.: SDWA-08-2011-0010  
)  
Respondent )

**CONSENT AGREEMENT**

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Kurt J. Menges, d/b/a Menges Auto Repair (Respondent), by their undersigned representatives, hereby consent and agree as follows.

1. On December 20, 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.
2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. Respondent waives his 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. 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 parties agree to submit this consent agreement to the Regional Judicial Officer with a request that it be incorporated into a final order.
10. Each party shall bear its own costs and attorneys fees in connection with this matter.
11. 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: Sept 19, 2011

By: 

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

**KURT J. MENGES  
d/b/a Menges Auto Repair,**

**Respondent,**

Date: Aug. 18, 2011

By: 

Kurt J. Menges

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT** in the matter of **KURT J. MENGES, d/b/a MENGES AUTO REPAIR; DOCKET NO.: SDWA-08-2011-0010**, was filed with the Regional Hearing Clerk on September 20, 2011; the **FINAL ORDER** was filed on September 21, 2011.

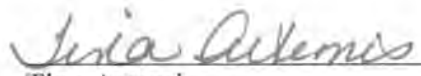
Further, the undersigned certifies that a true and correct copy of the document was delivered to Margaret "Peggy" Livingston, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail on September 21, 2011, to:

Kurt Menges, Owner  
Menges Auto Repair  
1100 Barnes Avenue  
LaJuanta, CO 81050-2612

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 21, 2011

  
Tina Artemis  
Paralegal/Regional Hearing Clerk