



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

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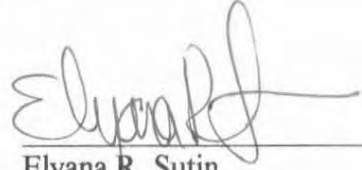
REC'D WCBM VIII
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DOCKET NO.: SDWA-08-2008-0071

IN THE MATTER OF:)	
)	
LESTER DOSE, OWNER)	FINAL ORDER
d/b/a LES'S AUTO BODY)	
)	
RESPONDENT)	

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 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.

SO ORDERED THIS 26th DAY OF May, 2009.



Elyana R. Sutin
Regional Judicial Officer

RECEIVED

MAY 14 2009

Office of Enforcement
Compliance & Environmental
Justice

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No.: SDWA-08-2008-0071

In the Matter of:

Lester Dose, Owner
dba Les's Auto Body

Respondent.

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CONSENT AGREEMENT

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Office of Enforcement
Compliance & Environmental Justice

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Lester Dose, Owner dba Les's Auto Body by their undersigned representatives, hereby consent and agree as follows.

1. On July 1, 2008, EPA issued a Proposed Compliance Order, Penalty Complaint and Notice of Opportunity for Hearing (Complaint) to Lester Dose, Owner dba Les's Auto Body (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. This Consent Agreement contains all terms of the settlement agreed to by the parties.
5. EPA acknowledges that Respondent 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 agrees to keep the Class V Motor Vehicle Waste Disposal well at issue permanently closed.
7. Due to Respondent'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 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**

MAY 20 2009

Date: _____

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

Lester Dose, Owner dba Les's Auto Body

Date: 5-10-09

By: Lester Dose
Lester Dose

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **LESTER DOSE, OWNER d/b/a LES'S AUTO BODY; DOCKET NO.: SDWA-08-2008-0071** was filed with the Regional Hearing Clerk on May 26, 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 and e-mailed on May 26, 2009, to:

Lester Dose, Owner
d/b/a Les's Auto Body
27246 468th Avenue
Tea, SD 57064

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 26, 2009



Tina Artemis
Paralegal/Regional Hearing Clerk

