



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 SEP 11 PM 12:00

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2008-0054

IN THE MATTER OF:

KURT SWALLOW, OWNER
SWALLOW'S GARAGE

RESPONDENT

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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 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 11th DAY OF September, 2008.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Docket No. SDWA-08-2008-0054

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In the Matter of:)
)
Kurt Swallow, Owner) CONSENT AGREEMENT
Swallow's Garage)
)
Respondent)

The United States Environmental Protection Agency, Region 8 (Complainant), and Kurt Swallow (Respondent) by their undersigned representatives, hereby consent and agree as follows:

1. On May 8, 2008, Complainant issued to Respondent a Proposed Compliance Order, Penalty Complaint, And Notice Of Opportunity For Hearing (complaint) alleging certain violations of the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26.
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 successors or assigns. This Consent Agreement contains all terms of the settlement agreed to by the parties.
5. Complainant acknowledges that Respondent has closed the Class V Motor Vehicle Waste Disposal well at issue and has, pursuant to the requirements of the complaint, timely submitted documentary evidence of the closure.
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 Complainant's enforcement strategy for these specific types of cases, Complainant 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 Safe Drinking Water Act and its implementing regulations.

Kurt Swallow, Owner
Swallow's Garage
SDWA-08-2008-0054

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, once signed, 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: 9/10/08

By: 

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

**Kurt Swallow, Owner
Swallow's Garage**

Respondent

Date: Aug 25 2008

By: Kurt Swallow

Kurt Swallow

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER; DOCKET NO.: SDWA-08-2008-0054** was filed with the Regional Hearing Clerk on September 11, 2008.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Jim Eppers, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document were placed in the United States mail certified/return receipt requested on September 11, 2008, to:

Kurt Swallow, Owner
Swallow's Garage
114 Main Street
Martinsdale, MT 59053-0063

E-mailed to:

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

September 11, 2008



Tina Artemis
Paralegal/Regional Hearing Clerk

