

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

Environmental Disposal Systems, Inc.)
Birmingham, Michigan,)

Respondent.)
_____)

) Docket No. SDWA-05-2007-0003

RECEIVED
REGIONAL HEARING CLERK
US EPA
2007 SEP 18 PM 2:26

Consent Agreement and Final Order

1. This civil administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c), and conducted pursuant to the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" (Consolidated Rules) at 40 C.F.R. Part 22. In particular, this proceeding was conducted in accordance with the procedures set forth in the Consolidated Rules at 40 C.F.R. Part 22, Subpart I, which apply to actions, such as this one, that are not governed by Section 554 of the Administrative Procedure Act, 5 U.S.C. § 554.

2. On March 22, 2007, the United States Environmental Protection Agency (U.S. EPA) filed the complaint in this action against Respondent Environmental Disposal Systems, Inc. The complaint alleged in twenty counts that Respondent violated the conditions of three underground injection control permits issued to Respondent by Complainant. The complaint proposed a penalty of \$73,992.

3. On April 28, 2007, Respondent filed an answer to the complaint. The answer requested a hearing and included an inability to pay claim and documentation supporting that claim.

Stipulations

4. Respondent admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint, except for those allegations admitted in Respondent's answer.

5. Respondent waives its right to contest the allegations in the complaint, and waives its right to appeal this consent agreement and final order (CAFO).

6. Respondent affirms that Respondent is dissolved, has no assets, has no ongoing business activity, and has over \$2.8 million in unpaid debt.

7. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalty

8. In consideration of Respondent's inability to pay any civil penalty, U.S. EPA agrees to mitigate the proposed penalty of \$73,992 to \$0.

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the complaint.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with the SDWA and other applicable federal, state and local laws and regulations.

18. The terms of this CAFO bind Respondent, its successors and assigns.

19. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to

its terms.

20. Each party will bear its own costs and attorneys' fees in this action.

21. This CAFO constitutes the entire agreement between the parties.

22. Respondent consents to the issuance of the accompanying Final Order after the completion of notice to parties that commented on the complaint and any resulting petition proceedings under 40 C.F.R. § 22.45(c)(4).

**Environmental Disposal Systems, Inc.,
Respondent**

07-30-07

Date

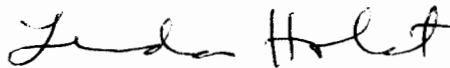


Charles R. Toy (P33116)
Farhat & Story, P.C.
Attorneys for Respondent
Environmental Disposal Systems, Inc.

**United States Environmental Protection Agency,
Complainant**

8-1-07

Date



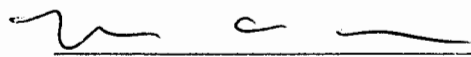
Linda Holst, Acting Director
Water Division
U.S. EPA Region 5

**In the Matter of: Environmental Disposal Systems, Inc.
Docket no. SDWA-05-2007-0003
Consent Agreement and Final Order**

FINAL ORDER

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

9/14/07
Date



Mary A. Gade
Regional Administrator
United States Environmental
Protection Agency, Region 5

In the Matter of: Environmental Disposal Systems, Inc.
Docket No: SDWA-05-2007-0003

CERTIFICATE OF SERVICE

I certify that on this 18th day of September 2007, the original "Consent Agreement and Final Order" was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that true and correct copies were distributed as follows:

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION 5
2007 SEP 18 PM 2:26

**Original And One Copy
Hand Delivered To:**

Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

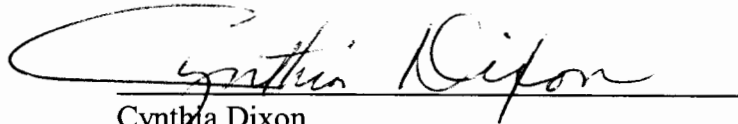
Copy Hand Delivered To:

Marcy Toney
Regional Judicial Officer
U.S. EPA, Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

**Original By Certified Mail
Return Receipt Requested To:
7001 0320 0005 8917 7895**

Charles R. Toy, Esq.
Farhat & Story, P.C.
1003 North Washington Avenue
Lansing, MI 48906-4868

Dated: 9/18/2007


Cynthia Dixon
Administrative Program Assistant