



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 WYNKOOP STREET
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

DOCKET NO.: CAA-08-2008-0030

IN THE MATTER OF:)

TRANS-WEST, INC.)

d/b/a TRANSWEST TRUCKING)

7626 Brighton Road)

Commerce City, CO 80022)

RESPONDENT)

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 10th DAY OF March, 2009.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. CAA-08-2008-0030

IN THE MATTER OF:)
)
TRANS-WEST, INC.)
d/b/a Transwest Trucking)
7626 Brighton Road)
Commerce City, Colorado 80022)
)
Respondent.)
_____)

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and TRANS-WEST, INC. (Respondent), by their undersigned representatives, hereby consent and agree as follows:

INTRODUCTORY TERMS

1. On September 30, 2008, Complainant issued a Complaint to Respondent alleging certain violations the implementing regulations associated with the "Stratospheric Ozone Protection" requirements of Subchapter VI, Section 608 of the CAA, 42 U.S.C. § 7671g. Those regulations are found at 40 C.F.R. Part 82, Subpart F (Recycling and Emissions Reduction). In the Complaint, Complainant proposed a civil penalty for the violations alleged therein.
2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint. Respondent waives its right to contest any allegations at a hearing or at a civil proceeding in connection with the enforcement of the Final Order incorporating this Consent Agreement.
3. This Consent Agreement, upon incorporation into a Final Order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors or assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

TERMS OF SETTLEMENT

4. Pursuant to section 113(d)(1)(B) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d)(1)(B), the nature of the violations alleged in the complaint, Respondent's agreement to comply with the requirements of the CAA, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is **TWELVE THOUSAND DOLLARS (\$12,000.00.)**

5. Respondent consents, for the purpose of settlement, to the issuance of a Final Order in this matter and agrees to pay the civil penalty cited in the foregoing paragraph. Respondent further consents, for the purpose of settlement to pay the civil penalty as follows:
 - a. Payment is due within 30 calendar days from the date written on the Final Order, issued by the Regional Judicial Officer, which adopts this Consent Agreement. If the due date falls on a weekend or legal federal holiday, the due date is the next business day. The date the payment is made is considered to be the date of the deposit ticket (standard form 215) issued by the Mellon Bank described below. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

 - b. The payment shall reference the name and docket number of this case and be made by remitting a cashier's or certified check, for this amount, payable to "Treasurer, United States of America," or be paid by one of the other methods listed below, and sent as follows:

Regular Mail:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

via WIRE TRANSFERS:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency

via OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Ms. Natalie Pearson (Tel.: 314-418-4087)

via ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US
currency
PNC Bank
ABA: 051036706
Account Number: 310006

CTX Format Transaction Code 22 - checking
Environmental Protection Agency
808 17th Street NW
Washington DC 20074
Contact: Jesse White, 301-887-6548

via ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below: WWW.PAY.GOV. Enter "sfo 1.1" in the search field. Open form and complete required fields.

A copy of the check, or notification that the payment has been made by one of the other methods listed above, shall be sent simultaneously to:

Mr. Jeffrey Kimes
Environmental Engineer
Technical Enforcement Program (8ENF-AT)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

and

Ms. Tina Artemis
Regional Hearing Clerk (8RC)

U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

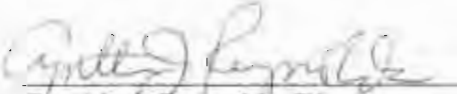
- c. In the event payment is not received by the specified due date, interest accrues from the date of the final order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717, and will continue to accrue until payment in full is received (i.e., on the 1st late day, 30 days of interest accrues).
- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the final order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.
- e. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
- f. Respondent further agrees and consents that if Respondent fails to pay the entire penalty amount within 60 days of the date on the final order, the full penalty amount proposed in the Complaint shall become immediately due and owing by Respondent.

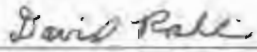
GENERAL PROVISIONS

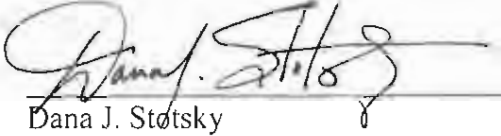
- 6. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Clean Air Act and its implementing regulations.
- 7. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the U.S. Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
- 8. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

9. The undersigned representative of Respondent certifies that he/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.
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 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: March 4, 2009 By: 
Cynthia J. Reynolds, Director
Technical Enforcement Program

Date: March 4, 2009 By: 
David Rochlin
Supervisory Enforcement Attorney
Legal Enforcement Program

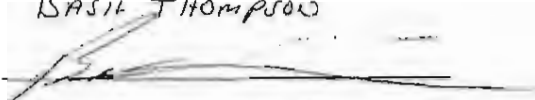
Date: March 4, 2009 By: 
Dana J. Stotsky
Senior Enforcement Attorney
Legal Enforcement Program
U.S. EPA Region 8
1595 Wynkoop Street, 8ENF-L
Denver, Colorado 80202-1129
Phone: (303) 312-6905
FAX No.: (303) 312-7202

TRANS-WEST, INC.,

Respondent.

BASIL THOMPSON

Date: 2/26/2009 By:



TITLE:

DIRECTOR OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **MILLERCOORS LLC.; DOCKET NO.: CAA-08-2008-0030** was filed with the Regional Hearing Clerk on March 10, 2009.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to Dana Stotsky, Senior 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 certified/return receipt requested on March 10, 2009 to:


Basil Thompson
Trans-West, Inc.
d/b/a Transwest Trucking
7626 Brighton Blvd.
Commerce City, CO 80022

E-mailed to:

Honorable Barbara Gunning
Administrative Law Judge
U. S. EPA (1900L)
1200 Pennsylvania Avenue NW
Washington, DC 20460

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

March 10, 2009


Tina Artemis
Paralegal/Regional Hearing Clerk

