



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2008 APR 22 AM 11:53

4 copies of Final Order
File # 80000000000000000000

DOCKET NO.: SDWA-08-2007-0093

BIG VALLEY & CROSSED ARROWS)

IMPROVEMENT DISTRICT)

Meeteetsee, WY)

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 22nd DAY OF April, 2008

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 APR 22 AM 11:53

DOCKET NO. SDWA-08-2007-0093

IN THE MATTER OF:)
)
Big Valley & Crossed Arrows)
Improvement District,) CONSENT AGREEMENT
Meeteetsee, WY,)
)
Respondent.)

Complainant, United States Environmental Protection Agency-Region 8, and Respondent, Big Valley & Crossed Arrows Improvement District, by their undersigned representatives, hereby consent and agree as follows:

1. On September 27, 2007, Complainant issued a Complaint to Respondent in this matter alleging certain violations of the Safe Drinking Water Act (SDWA) and its implementing regulations. The Complaint proposed a civil penalty of \$1,977.41 for the violations alleged therein.

2. Respondent admits the jurisdictional allegations, and neither admits nor denies the remaining 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. Within 30 calendar days of receipt of a fully-executed Consent Agreement in this matter, Respondent shall pay a civil penalty in the amount of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000.

The payment shall reference the name and address of Respondent and the EPA Docket Number of this action. A copy of the transmittal of payment shall be sent simultaneously to:

Jessie Goldfarb (8ENF-L)
Senior Enforcement Attorney
U.S. EPA-Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

and

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA-Region 8
1595 Wynkoop Street
Denver, CO 80202-1129.

4. If Respondent fails to pay the amount specified in Paragraph 3 by the due date specified in that Paragraph, the entire proposed penalty of ONE THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS AND 41 CENTS (\$1,977.41) shall immediately become due and owing by Respondent. Furthermore, interest on the entire proposed penalty of ONE THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS AND 41 CENTS (\$1,977.41) shall accrue at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of ONE HUNDRED DOLLARS (\$100) shall be imposed upon Respondent after the first 30 days that a payment, or any portion thereof, is overdue, with an additional charge of FIFTY DOLLARS (\$50) imposed for each subsequent 30-day period until the payment due is received.

In addition, a 6% per annum penalty shall be applied on any principal amount not paid within 90 days of the due date.

5. Respondent understands that failure to comply with any of the terms of this Consent Agreement, upon incorporation into a Final Order, constitutes a breach of the Agreement and Order and may result in referral of the matter to the United States Department of Justice for enforcement of the Agreement, and for such other relief as is deemed appropriate.

6. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a Final Order.

7. 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 settlement of the specific violations alleged in the Complaint in this matter. Upon full satisfaction by Respondent, Complainant hereby releases, covenants not to sue, and agrees not to seek further civil or administrative penalties for the specific violations alleged in the Complaint. Nothing in this Agreement shall be construed as a release or a covenant not to sue for any claim or cause of action for any criminal liability.

8. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer, applies to and is binding upon EPA and Respondent, and Respondent's successors and assigns. Any change in ownership or organizational status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's obligations under this Agreement. This

Agreement contains all of the terms of the settlement agreed to by the parties.

9. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Safe Drinking Water Act, its implementing regulations, and other environmental laws.

10. Respondent agrees that the penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

11. The parties agree to bear their own costs and attorney fees.

12. The undersigned representative of each party to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and bind that party to the Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY-
REGION 8, Complainant.

04.18.08
Date

Diane Sipe
Diane Sipe, Director
Water Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

4/17/08
Date

David J. Janik
David J. Janik, Director
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

BIG VALLEY & CROSSED ARROWS
IMPROVEMENT DISTRICT, Respondent.

4/12/08
Date

Wayne McBroom
Wayne McBroom, President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **BIG VALLEY & CROSSED ARROW IMPROVEMENT DISTRICT; DOCKET NO.: SDWA-08-2007-0093** was filed with the Regional Hearing Clerk was filed on April 22, 2008.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jessie Goldfarb, 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 April 22, 2008, to:

Wayne McBroom, Chair
Big Valley & Crossed Arrow Improvement District
P. O. Box 33
Meeteetse, WY 82433
Mcbroom2@tctwest.net


Hand delivered to:

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency – Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202-1129

And e-mailed to:

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

April 22, 2008


Tina Artemis
Paralegal/Regional Hearing Clerk