

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 OCT 20 PM 1:59

IN THE MATTER OF)
Bitterroot Gateway MH and RV Park, LLC)
Respondent)
Proceeding under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g) [optional])
_____)

Docket No. SDWA-08-2014-0023

FILED
EPA REGION VIII
HEARING OFFICE

CONSENT AGREEMENT

The United States Environmental Protection Agency Region 8 (EPA) and Bitterroot Gateway MH and RV Park, LLC, (Respondent), by their undersigned representatives, hereby agree as follows:

1. On July 24, 2014, the EPA issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging that the Respondent violated an administrative order that the EPA had previously issued under section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g). The Complaint proposed that the Respondent pay an administrative civil penalty for its violations, pursuant to section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3).
2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.
3. The Respondent waives its right to contest the allegations in the Complaint and to appeal any final order (Final Order) that an EPA Regional Judicial Officer may issue to approve this consent agreement (Agreement).
4. This Agreement, upon incorporation into a Final Order, is binding upon the EPA, the Respondent, and the Respondent's successors and assigns. Any change in the Respondent's corporate status or ownership or operation of the public water system at issue, including, but not limited to, any

transfer of assets or real or personal property, shall not alter the Respondent's responsibilities under this Agreement.

5. The Respondent agrees to pay a civil penalty in the amount of one thousand dollars (\$1,000) in the manner described below:

- a. Payment shall be in a single payment of one thousand dollars (\$1,000), due no later than 30 calendar days from the date of the Final Order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.
- b. The payment shall be made by remitting a check or making a wire transfer or on-line payment. The check or other payment shall designate the name and docket number of this case, be in the amount stated in part "a," above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

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

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

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

If remitted through the Automated Clearing House (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 -- checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

Contacts: John Schmid (202-874-7026) and REX (Remittance Express)
800-234-5681

If remitted on-line with a debit card or credit card: No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen, opening the form, and following the directions on the screen.

- e. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Sienna Meredith, Enforcement Officer (8MO)
U.S. EPA Region 8
Montana Office
Federal Building, 10 W. 15th Street, Suite 3200
Helena, Montana 59626

and

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

- d. If the 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 (e.g., on the 1st late day, 30 days of interest will have accrued).
- e. A handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges,

second to penalty assessments, third to accrued interest, and then to the outstanding principal amount.

f. The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

6. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the Act and its implementing regulations.

7. Any failure by the Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and such other relief as may be appropriate.

8. Nothing in this 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 any failure by the Respondent to comply with this Agreement.

9. The undersigned representative of the Respondent certifies that he/she is fully authorized to enter into and bind the Respondent to this Agreement.

10. The parties agree to submit this Agreement to the appropriate EPA Regional Judicial Officer, with a request that it be incorporated into a Final Order.

11. Each party shall bear his own costs and attorney's fees in connection with this matter.


12. This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall resolve the Respondent's liability for federal civil penalties for the violations and facts alleged in the Complaint.

Bitterroot Gateway MH and RV Park, LLC,
Respondent.

Date:

9/25/14

By:



Terry Burkholder, Agent/Owner

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8,
Complainant.**

Date: _____

9/30/2014

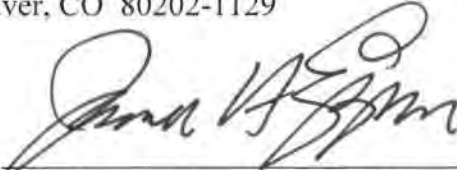
By: _____


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Date: _____

SEP 30 2014

By: _____


James H. Eppers, Supervisory Enforcement Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT and FINAL ORDER** in the matter of **BITTERROOT GATEWAY MH AND RV PARK, LLC.; DOCKET NO.: SDWA-08-2014-0023**, was filed with the Regional Hearing Clerk on October 20, 2014.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, 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, domestic return receipt and emailed on October 20, 2014, to:

Terry L. Burkholder, Owner
Bitterroot Gateway MH and RV Park
P. O. Box 1292
Lolo, MT 59847

Paul Neal Cooley, Registered Agent
Bitterroot Gateway MH and RV Park
5707 West Harrier Avenue
Missoula, MT 59801

And emailed to:

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

October 20, 2014



Tina Artemis
Paralegal/Regional Hearing Clerk