



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

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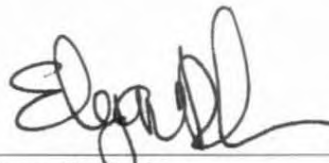
FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2009-0087

IN THE MATTER OF:)	
)	
GRAND TETON PARK RESORT, INC.)	
HARRY WASHUT)	FINAL ORDER
Jackson, Wyoming)	
)	
RESPONDENTS)	

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 Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 3rd DAY OF May, 2010.



 Elyana R. Sutin
 Regional Judicial Officer

2010 APR 30 PM 1:30

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)	
)	
)	
Grand Teton Park Resort, Inc.)	
Harry Washut)	
Jackson, Wyoming)	Docket No. SDWA-08-2009-0087
)	
Respondents)	CONSENT AGREEMENT
)	
Proceeding under § 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	
)	

Complainant United States Environmental Protection Agency Region 8 (EPA) and Grand Teton Park Resort, Inc. and Harry Washut (Respondents), by their undersigned representatives, hereby consent and agree as follows:

1. On September 24, 2009, EPA issued an Administrative Penalty Complaint (Complaint) alleging that the Respondents violated an Administrative Order that EPA had previously issued under § 1414(g)(1) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g)(1). The Complaint proposed that the Respondents pay an administrative civil penalty for their violation, pursuant to § 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3).

2. The Respondents admit the jurisdictional allegations of the Complaint and neither admit nor deny the specific factual allegations of the Complaint. The Respondents do not admit to any violations of the Act or to any wrongdoing.

3. The Respondents waive their right to a hearing before any tribunal to contest any issue of law or fact set forth in the Complaint or in this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondents and Respondents' heirs, successors and assigns. Any change in Respondents' 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 Respondents' responsibilities under this Consent Agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondents consent and agree to pay a civil penalty in the amount of five thousand dollars (\$5,000) in the manner described below:

- a. Payment shall be in a single payment of \$5,000 made no later than sixty calendar days from the date of the Final Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement. If the due date falls on a weekend or legal 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, described below. Payment must be received by 11:00 AM Eastern Standard Time to be considered as received that day.
- b. The payment shall be made by remitting a cashier's or certified check, or making a wire transfer or on-line payment, including the name and docket number of this case, for the amount stated in part "a," above, payable to "Treasurer, United States of America," as follows:

If sent by regular U.S. mail:

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

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If sent by any overnight commercial carrier:

U.S. Bank
Government Lockbox 979077
U.S. E.P.A. Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

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

ABA: 021030004
Account Number: 68010727

Payment may also be made on-line by accessing "www.epa.gov."

A copy of the check (or notification of wire transfer or on-line payment) shall be sent simultaneously to:

Kathelene Brainich
Enforcement Officer
Water Enforcement Program (8ENF-W)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

and

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

- c. In the event 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 (i.e., on the 1st late day, 30 days of interest will have accrued).

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- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the Final Order, and for 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., by the 121st day from the date the Final Order is signed). Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
 - e. The Respondents agree that the penalty shall never be claimed as a federal or other tax deduction or credit.
6. Nothing in this Consent Agreement shall relieve the Respondents of the duty to comply with the Act and its implementing regulations.
 7. Any failure by the Respondents 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 Department of Justice for enforcement of this Consent 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 the Respondents' failure to perform pursuant to the terms of this Consent Agreement.
 9. The undersigned representative of the Respondent Grand Teton Park Resort, Inc. certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind the Respondent Grand Teton Park Resort, Inc. to the terms and conditions of this Consent Agreement.


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- 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 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.

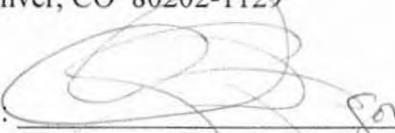
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8,

Complainant.

Date: 4-30-10

By: 
Darcy O'Connor, Acting Director
Water Enforcement Program
Office of Enforcement,
Compliance and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Date: 4-30-10

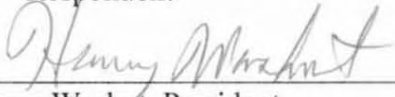
By: 
Michael Risner, Director
David Rochlin, Supervisory Enforcement Attorney
Legal Enforcement Program
Office of Enforcement,
Compliance and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

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Date: 4/26/10

GRAND TETON PARK RESORT, INC.

Respondent

By: 

Harry Washut, President
17750 E. Highway 287
Moran, WY 83013



HARRY WASHUT

Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT** in the matter of **GRAND TETON PARK RESORT, INC., HARRY WASHUT; DOCKET NO.: SDWA-08-2003-0087** was filed with the Regional Hearing Clerk on April 30, 2010; the **FINAL ORDER** was filed on May 3, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Margaret "Peggy" Livingston, 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 May 3, 2010, to:

Mr. Harry Washut
Grand Teton Park Resort, Inc.
17750 E. Hwy. 287
Moran, WY 83013

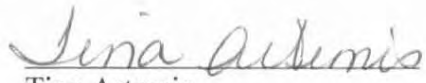
And via e-mail

Honorable Elyana R. Sutin
Presiding Officer
U. S. EPA – Region 8
1595 Wynkoop Street (8RC)
Denver, CO 80202

And

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

May 3, 2010


Tina Artemis
Paralegal/Regional Hearing Clerk

