

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 APR -7 PM 1:57

IN THE MATTER OF) Docket No. SDWA-08-2008-0093
)
Ethete Public Water System) **JOINT STATUS REPORT**
Northern Arapaho Utilities)
Ethete, Wyoming)
PWS ID #08569002,)
)
Respondent.)

On behalf of the Environmental Protection Agency Region 8 (EPA) and the Northern Arapaho Utilities (NAU), the undersigned counsel for EPA with concurrence by counsel for the NAU, hereby provides the following joint status report in the above-referenced matter as directed by the Regional Judicial Officer on February 3, 2009.

1. EPA filed a Complaint on August 20, 2008, alleging that NAU failed to comply with an Administrative Order, SDWA-08-2006-0035, issued on May 18, 2006.

2. NAU and EPA participated in a telephone conference with the presiding officer on February 3, 2009, at which time the parties were directed to either file a fully-executed consent agreement or a joint status report by April 7, 2009.

3. Although the parties intend to resolve this matter outside of litigation, the parties have not yet reached a settlement-in-principle.

4. Pursuant to a discussion this morning with Andy Baldwin, counsel for Respondent, Complainant learned that the Northern Arapaho Tribal Council has approved a contract award to assist the Northern Arapaho Utilities with drinking water sampling, monitoring and reporting to maintain compliance with the Safe Drinking Water Act and applicable National Primary Drinking Water Regulations at the Ethete Public Water System and other systems owned and/or operated by the NAU.

5. Currently the parties are discussing settlement terms, including penalty, and reviewing a draft consent agreement.

6. The parties propose extending the deadline for filing a consent agreement until April 30, 2009, after which time the presiding officer, at her discretion, may issue a scheduling order with a proposed hearing date if the parties are unable to effect a settlement within the extended timeframe.

Respectfully submitted,

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

Date: 7/1/2009

By: 
Amy Swanson, Enforcement Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 7, 2009, the original and one copy of the **JOINT STATUS REPORT** was hand-carried to Tina Artemis, Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, CO, and that a true copy of the same was sent to the following:

Via hand-deliver to:

The Honorable Elyana R. Sutin,
Regional Judicial Officer
U.S. EPA, Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129

Via electronic and regular mail to:

Andy Baldwin
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A handwritten signature in dark ink, appearing to be 'A Baldwin', is written over a horizontal line.