

DEWOOD LAW FIRM

2006 Eastern Suburb Suite 101
Christiansted, V.I. 00820
Admitted: NY, NJ, MD, & VI
T. 340.773.3444
F. 888.398.8428
info@dewood-law.com

BY: U.S. EXPRESS MAIL; EK 436313355 US

December 13, 2014

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866

U.S. Environmental
Protection Agency-Reg 2
2014 DEC 16 PM 2: 56
REGIONAL HEARING
CLERK

Re: In the Matter of: Windward Passage Hotel Public Water System
Complaint for Penalty (Docket No. SDWA-02-2015-8401)

- RESPONDENT’S ANSWER & REQUEST FOR HEARING-

To Whom It May Concern,

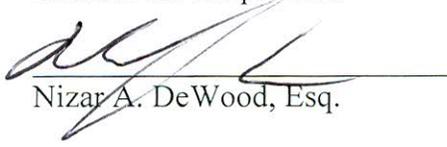
Respondent Windward Passage Hotel has not received the “Complaint” that was described as attached to the U.S. EPA letter dated Nov. 4th, 2014 (a copy is attached herewith). Kindly, provide the undersigned with a copy of the Complaint to enable a full answer.

ANSWER: Notwithstanding, Respondent respectfully **denies** all allegations as charged in any complaint in this matter alleging non-compliance with the requirements of Stage 1 Disinfectants and Disinfection Byproducts Rule under the Safe Drinking Water Act (“SDWA”). As such, Respondent requests a hearing and full review of the allegations of the Complaint.

Please forward a copy of the Complaint to enable a detailed Answer to the allegations. In addition, Respondent Windward looks forward to discussing a resolution to this matter and the concerns raised in EPA’s Complaint.

Respectfully Submitted,

DeWood Law Firm
Counsel for Respondent

By:  Nizar A. DeWood, Esq.

Cc: Tim Murphy, Esq.
Office of Regional Counsel U.S. Environmental Protection Agency, Region 2
290 Broadway - 16th Floor New York, NY 10007-1866



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV - 4 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5933 9152

Wein Dimetros
Windward Passage/Holiday Inn
c/o The Windward Company
P.O. Box 640
1-4 Kronprindsens Gade
St. Thomas, VI 00804

Re: In the Matter of: Windward Passage/Holiday Inn Public Water System
Complaint for Penalty (Docket No. SDWA-02-2015-8401)

Dear Mr. Dimetros:

Enclosed you will find a Complaint which the U.S. Environmental Protection Agency ("EPA" or "Agency"), the Complainant, is issuing to Windward Passage/Holiday Inn, c/o The Windward Company (the "Respondent") as a result of our determination that the Windward Passage/Holiday Inn public water system failed to comply with the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule ("Stage 1 DBPR") under the Safe Drinking Water Act ("SDWA"), as implemented by EPA's regulations at 40 C.F.R. Part 141, Subpart L, and failed to comply with the Administrative Order ("AO") (Docket No. SDWA-02-2013-8014) issued by the EPA on June 20, 2013. The Complainant requests that a penalty of **\$6,000** be assessed against this public water system for these violations.

As the Respondent, you have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint.

Enclosed is a copy of the "Consolidated Rules of Practice" ("CROP") (40 C.F.R. Part 22) which the EPA follows in cases of this kind. Please note the requirements for an Answer at §22.15 of the CROP. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint with the EPA Regional Hearing Clerk at the following address:**

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866**

You must also send a copy of your Answer to:

Tim Murphy, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866

If you do not file an Answer within thirty (30) days of receipt of the Complaint, you may be judged to have defaulted (See §22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed.

You may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or effect what you may choose to say in the Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearings held in this matter will be conducted in accordance with the CROP, including Subpart I thereof, unless, in your Answer, you request a hearing on the record in accordance with section 554 of the APA, in which case Subpart I of the CROP will not apply.

Offer of Settlement

In an effort to promptly settle this matter, enclosed for your consideration is a proposed Consent Agreement and Final Order ("CA/FO"). The Agency would be prepared to enter into the enclosed CA/FO provided the Respondent:

1. Executes and returns the CA/FO within thirty (30) days of receipt of the Complaint,
2. Completes the required monitoring in accordance with the *Stage 2 Disinfectants and Disinfection Byproducts Rule in August 2015, and submits the results to EPA and the Virgin Islands Department of Planning and Natural Resources ("VIDPNR") by September 10, 2015 (*Stage 1 DBPR has been replaced by Stage 2 DBPR);
3. Complies with all public notice requirements specified in 40 C.F.R. Part 141, Subpart Q within thirty (30) days of receipt of the Complaint, and submits a copy of the public notice and certification that public notice was completed to EPA and VIDPNR within forty-five (45) days of the receipt of the Complaint; and
4. Pays a penalty of **\$3,000** within thirty (30) days of the effective date of the CA/FO.

If you wish to resolve this matter without further proceedings, please sign the enclosed CA/FO and return it to EPA within thirty (30) days of your receipt of this letter. Do not submit payment to EPA until after you receive an executed CA/FO.