



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-L

SEP 24 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Harry Washut, Registered Agent and Operator  
Grand Teton Park Resort, Inc.  
17750 E. Highway 287  
Moran, WY 83013

Re: Complaint and Notice of  
Opportunity for Hearing  
Docket No. **SDWA-08-2009-0087**

Dear Mr. Washut:

Enclosed is an administrative "Second Complaint and Notice of Opportunity for Hearing" (complaint) filed against Grand Teton Park Resort, Inc. (the corporation) and you under § 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3. The U.S. Environmental Protection Agency (EPA) alleges in the complaint that you and the corporation failed to comply with an Administrative Order, Docket No. SDWA-08-2006-0024, issued on March 30, 2006, under § 1414(g) of the SDWA, 42 U.S.C. §300g-3(g), relating to the Grand Teton Park RV Resort. The violations are specifically set out in the complaint.

This is the second administrative penalty complaint EPA has issued for violations of the Administrative Order issued on March 30, 2006. As you are aware, EPA issued a penalty complaint for violations of this order in 2007. That matter was resolved when you and the corporation paid an administrative civil penalty of \$7,000 in early 2008. It is of particular concern to EPA that the drinking water at the Grand Teton Park RV Resort has continued to exceed the Maximum Contaminant Level for total coliform as recently as November and December of 2008.

By law, you and the corporation have the right to request a hearing regarding the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If you and the corporation do not respond to this complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In your answer you and the corporation may request a hearing. You and/or the corporation have the right to be represented by an attorney at any stage of these proceedings.

Whether or not you and the corporation request a hearing, you and your representatives may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty.



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EPA encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Judicial Officer, EPA Region 8. The issuance of a consent agreement shall constitute a waiver of the right to request a hearing on any matter to which you or the corporation have stipulated in that agreement.

A request for an informal conference does not extend the 30-day period during which you and the corporation must submit a written answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneously with, the adjudicatory hearing.

For any questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Kathelene Brainich, Environmental Protection Specialist, who can be reached at 800/227-8917, extension 6481, or Peggy Livingston, Enforcement Attorney, who can be reached at 800/227-8917, extension 6858.

We urge your prompt attention to this matter.

Sincerely,



Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Tina Artemis, Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 SEP 24 PM 1:10

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )  
)  
Grand Teton Park Resort, Inc., and )  
Harry Washut, ) Docket No. SDWA-08-2009-0087  
Moran, Wyoming )  
PWS ID # WY 5600682 )  
) **SECOND COMPLAINT**  
Respondents ) **AND NOTICE OF**  
) **OPPORTUNITY FOR HEARING**  
Proceedings under § 1414 (g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
)

**COMPLAINT**

This civil administrative Complaint and Notice of Opportunity for Hearing (complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by § 1414(g)(3) of the Safe Drinking Water Act, as amended (the SDWA), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under § 1414 (g)(1) of the SDWA.

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 (Complainant's Exhibit 1).

### GENERAL ALLEGATIONS

The following general allegations apply to each count of this complaint:

1. Respondent Grand Teton Park Resort, Inc. is a Wyoming corporation.  
Respondent Harry Washut is an individual. Each Respondent is therefore a "person" as that term is defined in § 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the Grand Teton Park RV Resort Water System (the system), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.
3. The system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" as that term is defined in § 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, and a "non-community water system" as that term is defined in § 1401(16) of the SDWA, 42 U.S.C. § 300f(16), and 40 C.F.R. § 141.2.
4. As an owner and/or operator of a public water system, each Respondent is a "supplier of water" as that term is defined in § 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Each Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g *et seq.*, and its implementing regulations, 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs).

5. The source of the system's water is ground water, from three wells. The system serves an average of approximately 500 persons daily (although not necessarily the same persons each day) through approximately 172 service connections year-round.
6. On March 30, 2006, in accordance with § 1414(a)(2) and (g)(1) of the SDWA, 42 U.S.C. § 300g-3(a)(2) and (g)(1), the EPA issued an Administrative Order, Docket No. SDWA-08-2006-0024 (the "Order") to Respondents, citing various violations of the NPDWRs, including, but not limited to violating the Maximum Contaminant Level (MCL) for total coliform, failing to monitor for total coliform, failing to monitor for nitrate, and failing to notify the public and EPA of these violations.
7. A copy of the Order is attached to this complaint (Complainant's Exhibit 2).
8. On September 20, 2007, EPA issued a Complaint and Notice of Opportunity for Hearing (the First Complaint) to Respondents, citing various violations of the Order, including violations of the MCL for total coliform, failure to submit a plan for compliance with the coliform MCL, failure to collect additional coliform samples after a positive coliform result, untimely monitoring for nitrate, failure to report coliform MCL violations to EPA, failure to report coliform monitoring violations to EPA, and failure to notify the public of violations. (Complainant's Exhibit 3.)

9. In March of 2008, EPA and the Respondents entered into a Consent Agreement to resolve the allegations in the First Complaint. The Consent Agreement was approved and incorporated into a Final Order by the Regional Judicial Officer for EPA Region 8 on April 3, 2008. (Complainant's Exhibit 4.) As required by the Final Order, the Respondents paid an administrative civil penalty of \$7,000.00 to EPA.

### **COUNTS OF VIOLATION**

#### **Count I**

#### **Violation of Maximum Contaminant Level for Total Coliform**

1. The Order (on page 6, in par. 1 of the "Order" section) required Respondents to comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
2. Respondents violated the Order by exceeding the total coliform MCL in November of 2008 and December of 2008. This is in addition to the violations of the total coliform MCL cited in the First Complaint.

#### **Count II**

#### **Failure to Provide Public Notice of Violations**

1. The Order (on pages 7 and 8, in par. 6 of the "Order" section) required Respondents to provide public notice of any NPDWR violations occurring after the issuance of the Order for which public notice was required under 40 C.F.R. §§ 141.201 *et seq.*
2. Respondents violated the Order by failing to provide public notice of the violations mentioned in Count I, above.

**Count III**  
**Failure to Report MCL Violations to EPA**

1. The Order (on page 8, in par. 7 of the "Order" section) required Respondents to report any total coliform MCL violation to EPA no later than the end of the next business day after learning of the violation, as required by 40 C.F.R. § 141.21(g)(1).
2. Respondents violated the Order by failing to report their November of 2008 and December of 2008 MCL violations to EPA.

**Count IV**  
**Failure to Report Public Notice Violations to EPA**

1. The Order (on page 8, in par. 9 of the "Order" section) required Respondents to comply with 40 C.F.R. § 141.31(b) by reporting to EPA any failure to comply with any NPDWR within 48 hours.
2. Respondents violated the Order by failing to report to EPA that they had not provided public notice of the total coliform MCL violations in November of 2008 and December of 2008.

**PROPOSED ADMINISTRATIVE CIVIL PENALTY**

This complaint proposes that EPA assess an administrative penalty from Respondents. EPA is authorized to assess an administrative penalty according to § 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3). EPA has determined the proposed penalty amount in accordance with § 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondents' degree of

willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time. EPA proposes to assess an administrative civil penalty of \$15,000.00 against Respondents for their violations of the Order.

### **QUICK RESOLUTION**

Respondents may resolve this action by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18. If such payment is made within thirty (30) calendar days of receipt of this Complaint, Respondents need not file an answer. Alternatively, as allowed by 40 C.F.R. § 22.18(b), Respondents may file a statement with the Regional Hearing Clerk within thirty (30) days of receipt of the Complaint agreeing to pay the full assessed penalty and may make the penalty payment within sixty (60) days of receiving the complaint.

If made by check, the payment shall be made by remitting a cashier's or certified check, including the name and docket number of the case, referencing the Docket Number given on the first page of this complaint and payable to the Environmental Protection Agency.

#### **The check shall be sent to EPA in one of the following ways:**

<b>By first class US postal service mail:</b>	US Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979077 St. Louis, MO 63197-9000
<b>By Federal Express, Airborne, or other commercial carrier:</b>	US Bank 1005 Convention Plaza Mail Station SL-MO-C2GL St. Louis, MO 63101

The payment may also be made by wire transfer or on-line via the internet, as follows:

**Wire transfers:** Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read  
"D68010727 Environmental Protection Agency "

**On-Line Payment:** WWW.PAY.GOV  
Enter sfo 1.1 in the search field  
Open form and complete required fields.

A copy of the check, wire transfer, or record of on-line payment shall be simultaneously sent to:

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

Payment of the penalty in this manner does not relieve Respondents of their obligation to comply with the requirements of the Act and its implementing regulations. Payment of the penalty pursuant to 40 C.F.R. § 22.18 shall constitute consent by Respondents to the assessment of the proposed penalty and a waiver of Respondents' right to a hearing on this matter.

#### **OPPORTUNITY TO REQUEST A HEARING**

As provided in § 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), Respondents have the right to request a public hearing to contest any material fact alleged in this complaint, to contest the appropriateness of the proposed penalty and/or to assert that they are entitled to judgment as a matter of law.

If Respondents wish to request a hearing, Respondents must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondents have an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c), in which to file their answer. Each Respondent may also file a separate answer not applying to the other Respondent.

If Respondents request a hearing in their answer(s), the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondents have the right under the SDWA to elect a hearing on the record in accordance with § 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq. (APA). To exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will re-title the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to the attorney signing this complaint and the EPA Regional Hearing Clerk at the address below:

Tina Artemis  
Region 8 Hearing Clerk (8RC)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202

### **FAILURE TO FILE AN ANSWER**

**If Respondents do not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint, they may be subject to a default order requiring payment of the full penalty proposed in this complaint.** If neither Respondent answers, the two Respondents may be held jointly and severally liable for the full proposed penalty. If only one Respondent files an answer, the other Respondent may be subject to a default judgment. EPA may obtain a default order according to 40 C.F.R. § 22.17.

### **REQUIREMENTS FOR ANSWER**

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which Respondents have any knowledge. The answer must state (1) any circumstances or arguments which the Respondents allege to constitute grounds of defense, (2) any facts the Respondents dispute, (3) whether and on what basis the Respondents oppose the proposed penalty, and (4) whether the Respondents request a hearing. **Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of that allegation.**

### **SETTLEMENT CONFERENCE**

EPA encourages exploring settlement possibilities through an informal settlement conference. Requesting, scheduling, or participating in a settlement conference **does not** substitute for an answer or extend the period mentioned above for filing an answer and a request for a hearing. Failing to file an answer may lead to a default order, even if a settlement is reached. If a settlement can be reached, its terms shall be expressed in a written consent

Harry Washut  
Grand Teton Park Resort  
Page 10 of 10

agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions that Respondents may have regarding this complaint, should be directed to the attorney named below.

Dated this 21<sup>st</sup> day of SEPTEMBER, 2009.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8  
Complainant.

*for* Michael T. Bizner  
Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Margaret J. (Peggy) Livingston  
Margaret J. (Peggy) Livingston  
Enforcement Attorney  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-7202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the SECOND COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

Harry Washut  
Registered Agent and Operator  
Grand Teton Park Resort, Inc.  
17750 East Highway 287  
Moran, WY 83013

The Exhibits to the Second Complaint and Notice of Opportunity for Hearing are as follows:

1. 40 C.F.R. part 22
2. March 30, 2006 Administrative Order, Docket No. SDWA-08-2006-0024
3. September 20, 2007 Complaint and Notice of Opportunity for Hearing, Docket No. SDWA-08-2007-0089
4. Final Order and Consent Agreement, Docket No. SDWA-08-2007-0089

Date: 9/24/09 By: Judith McTernan  
Judith McTernan

1st Page Only

COMPLAINANT'S  
EXHIBIT NO. 1

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

#### F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

#### G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,  
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

### PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

#### Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

#### Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

#### Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

#### Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

#### Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

#### Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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IN THE MATTER OF )  
Grand Teton Park Resort, Inc., Owner )  
Harry Washut, Operator )  
Grand Teton Park RV Resort )  
Moran, Wyoming )  
PWS ID# WY5600682 )  
Respondents )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0024

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Respondent Grand Teton Park Resort, Inc., is a corporation under the laws of the State of Wyoming as of September 26, 2005, and is therefore a "person" within the meaning of 40 C.F.R. § 141.2. Respondent Mr. Harry Washut is an individual and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, Grand Teton Park RV Resort Water System (the System), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore each a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq. and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 21, 2004 sanitary survey by an agent for EPA, Respondents operate a system that is supplied solely by ground water consisting of three wells. The System serves a transient population of approximately 500 persons per day through 172 service connections, and is open year-round.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per quarter for non-community groundwater public water systems with an average daily population of less than 1,001 to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.



2. 40 C.F.R. § 141.63(b) imposes and defines the acute MCL for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample.
3. Monitoring results submitted by the Respondents for the public water system during August 2004 exceeded the acute MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(b).

## II.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per quarter for non-community groundwater public water systems with an average daily population of less than 1,001 to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by the Respondents for the public water system during September and October 2005 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

## III

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform



positive samples to collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondents failed to collect **at least** 5 routine samples in July 2003 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

#### IV.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondents monitored for nitrate at Well #1 in 2005, but failed to monitor for nitrate at West Well #2 and East Well #3 in 2005, in violation of 40 C.F.R. § 141.23(d).

#### V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations (NPDWR), including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondents have not provided a Tier 2 public notice for the October 2005 MCL for total coliform bacteria detailed in the preceding Section II, and a Tier 3 public notice of the noncompliance detailed in Section III, in violation of 40 C.F.R. § 141.201.



VI

1. 40 C.F.R. § 141.21(g)(1) requires public water systems that have exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondents failed to report to EPA instances of noncompliance detailed in Section II in violation of 40 C.F.R. § 141.21(g)(1).

VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems to report any failure to comply with a coliform bacteria monitoring requirement to EPA within 10 business days after the system discovers the violation.
2. Respondents failed to report to EPA instances of noncompliance detailed in Section III in violation of 40 C.F.R. § 141.21(g)(2).

VIII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA instances of noncompliance detailed in Sections IV and V, in violation of 40 C.F.R. § 141.31(b).



ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT  
IS ORDERED:

1. Respondents shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63. If the System has an MCL violation while this Order is in effect, Respondents shall submit to EPA, within 30 days of the MCL violation, detailed plans for bringing the Respondents' public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63, which shall include, but not be limited to, addressing the modification of the vent on well #3 by installing a curved "gooseneck" configured vent, raising the vent 18 inches, and screening the vent's opening to mitigate contamination. The plans shall also include any other proposed system modifications necessary to comply with the MCL, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 90 days from the first MCL violation after this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA and the State before construction can commence.
2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. If plans are required as stated in paragraph 1 above, Respondents shall submit to EPA monthly reports on the progress made toward bringing the



connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondents learns of the violation.
8. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
9. Except where a different reporting period is specified above, upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.



10. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500, under Section 1414(j)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).



4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 30<sup>th</sup> day of March, 2006.

Michael T. Risner

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

COMPLAINANT'S  
EXHIBIT NO. 3  
2007 SEP 20 AM 10:23

EPA REGION 8  
HEARING CLERK

IN THE MATTER OF )  
 )  
Grand Teton Park Resort, Inc. )  
Harry Washut, )  
Jackson, Wyoming )  
 ) Docket No. SDWA-08-2007-0089  
 )  
Respondents ) COMPLAINT AND NOTICE OF  
 ) OPPORTUNITY FOR HEARING  
Proceedings under section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
 )

COMPLAINT

This civil administrative Complaint and Notice of Opportunity for Hearing ("complaint") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by section 1414(g)(3) of the Safe Drinking Water Act, as amended (the "SDWA"), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g)(1) of the SDWA.

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or

Suspension of Permits," 40 C.F.R. part 22 ("Consolidated Rules of Practice")(Complainant's Exhibit 1).

### GENERAL ALLEGATIONS

The following general allegations apply to each count of this complaint:

1. Respondent Grand Teton Park Resort, Inc. is a Wyoming corporation.  
Respondent Harry Washut is an individual. Each Respondent is therefore a "person" as that term is defined in section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and 40 C.F.R. §141.2.
2. Respondents own and/or operate a system, the Grand Teton Park RV Resort Water System (the "System"), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" as that term is defined in section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, and a "non-community water system" as that term is defined in section 1401(16) of the SDWA, 42 U.S.C. §300f(16), and 40 C.F.R. §141.2.
4. As an owner and/or operator of a public water system, each Respondent is a "supplier of water" as that term is defined in section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2. Each Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. §300g *et seq.*, and its

implementing regulations, 40 C.F.R. part 141 (also known as the “National Primary Drinking Water Regulations” or “NPDWRs”).

5. The source of the System’s water is ground water, from three wells. The System serves an average of approximately 500 persons daily (although not necessarily the same persons each day) through approximately 172 service connections year-round.
6. On March 30, 2006, in accordance with sections 1414(a)(2) and (g)(1) of the SDWA, 42 U.S.C. §§ 300g-3(a)(2) and (g)(1), the EPA issued an Administrative Order, Docket No. SDWA-08-2006-0024 (the “Order”) to Respondents, citing various violations of the NPDWRs, including, but not limited to violating the Maximum Contaminant Level (MCL) for total coliform, failing to monitor for total coliform, failing to monitor for nitrate, and failing to notify the public and EPA of these violations.
7. A copy of the Order is attached to this complaint (Complainant’s Exhibit 2).
8. On July 26, 2006, EPA issued an Administrative Order Violation letter, noting that the Respondents were in violation of the Order’s requirements to monitor for nitrate and to provide public notice of violations.
10. A copy of EPA’s July 26, 2006 letter is attached to this Complaint (Complainant’s Exhibit 3).

## COUNTS OF VIOLATION

### **Count I**

#### **Violation of Maximum Contaminant Level for Total Coliform**

1. The Order (on page 6, in par. 1 of the "Order" section) required Respondents to comply with the total coliform MCL as stated in 40 C.F.R. §141.63.
2. Respondents violated the Order by exceeding the total coliform MCL in October of 2006 and December of 2006.

### **Count II**

#### **Failure to Submit Plan for Compliance with Coliform MCL**

1. The Order (on page 6, in par. 1 of the "Order" section) required Respondents, in case the System had a total coliform MCL violation while the Order was in effect, to submit to EPA detailed plans for bringing the System into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plan was to be submitted within 30 days of the MCL violation.
2. Respondents violated the Order because, after violating the total coliform MCL on October 30, 2006, they failed to submit any plan for bringing the System into compliance with the MCL. Although the plan was due by November 29, 2006, the Respondents have yet to submit it.

### **Count III**

#### **Failure to Collect Additional Samples After Positive Result**

1. The Order (on page 7, in par. 4 of the "Order" section) required Respondents, in the event of at least one positive coliform sample, to collect at least five routine

samples during the next month the System provided water to the public, as required by 40 C.F.R. §141.21(b)(5).

2. Respondents violated the Order because, after having at least one positive coliform result in September of 2006 and in December of 2006, they failed to collect at least five routine samples during each of the months of October of 2006 and January of 2007.

**Count IV**  
**Untimely Monitoring for Nitrate**

1. The Order (on page 7, in par. 5 of the "Order" section) required Respondents to monitor within thirty days of the date of the Order, and annually thereafter, for nitrate, according to 40 C.F.R. § 141.23(d).
2. Respondents violated the Order by failing to monitor for nitrate by April 29, 2006 (i.e., thirty days after the Order). Respondents did, however, monitor for nitrate on June 6, 2006.

**Count V**  
**Failure to Report MCL Violations to EPA**

1. The Order (on page 8, in par. 7 of the "Order" section) required Respondents to report any total coliform MCL violation to EPA no later than the end of the next business day after learning of the violation, as required by 40 C.F.R. §141.21(g)(1).
2. Respondents violated the Order by failing to report their October 2006 and December 2006 MCL violations to EPA.

**Count VI**  
**Failure to Report Monitoring Violations to EPA**

1. The Order (on page 8, in par. 8 of the "Order" section) required Respondents to report to EPA any failures to comply with coliform monitoring requirements within ten days of the System discovering the violation, as required by 40 C.F.R. §141.21(g)(2).
2. Respondents violated the Order by failing to report that in the months of October of 2006 and January of 2007 they failed to take five additional coliform samples.

**Count VII**  
**Failure to Provide Public Notice of Violations**

1. The Order (on pages 7 and 8, in par. 6 of the "Order" section) required Respondents to provide public notice within thirty days of the Order (i.e., by April 29, 2006) of the following violations: (a) of the MCL for total coliform in September of 2005 and October of 2005, (b) of the requirement to collect at least five routine total coliform samples in July of 2003 following a total coliform positive sample in the preceding month, (c) of the requirement to monitor for nitrate in 2005 at two of the three wells; and (d) any NPDWR violations occurring after the issuance of the Order for which public notice was required under 40 C.F.R. §§ 141.201 *et seq.*
2. Respondents violated the Order by failing to provide public notice of the violations mentioned in parts (a) - (c) of the preceding paragraph, and the MCL violations mentioned in Count I, above.

### PROPOSED ADMINISTRATIVE CIVIL PENALTY

This complaint proposes that EPA assess an administrative penalty from Respondents. EPA is authorized to assess an administrative penalty according to section 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3) for violation of an administrative order issued under section 1414(g)(1) of the SDWA. The amount may be up to \$27,500.<sup>1</sup>

EPA has determined the proposed penalty amount in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondents' degree of willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time, EPA proposes to assess an administrative civil penalty of \$10,500.00 against Respondents for their violations of the Order.

### OPPORTUNITY TO REQUEST A HEARING

As provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), Respondents have the right to request a public hearing to contest any material fact alleged in this complaint, to contest the appropriateness of the proposed penalty and/or to assert that they are entitled to judgment as a matter of law.

If Respondents wish to request a hearing, Respondents must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondents have an additional five (5)

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<sup>1</sup>The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.

calendar days, pursuant to 40 C.F.R. § 22.7(c), in which to file their answer. Each Respondent may also file a separate answer not applying to the other Respondent.

If Respondents request a hearing in their answer(s), the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondents have the right under the SDWA to elect a hearing on the record in accordance with section 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq. (“APA”). To exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will re-title the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to the attorney listed below and the EPA Regional Hearing Clerk at the address below:

Tina Artemis  
Region 8 Hearing Clerk (8RC)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202

### FAILURE TO FILE AN ANSWER

If Respondents do not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint, they may be subject to a default order requiring payment of the full penalty proposed in this complaint. If neither Respondent answers, the two Respondents may be held jointly and severally liable for the full proposed penalty. If only one Respondent files an answer, the other Respondent may be subject to a default judgment. EPA may obtain a default order according to 40 C.F.R. § 22.17.

### REQUIREMENTS FOR ANSWER

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which Respondents have any knowledge. The answer must state (1) any circumstances or arguments which the Respondents allege to constitute grounds of defense, (2) any facts the Respondents dispute, (3) whether and on what basis the Respondents oppose the proposed penalty, and (4) whether the Respondents request a hearing. Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of that allegation.

### SETTLEMENT CONFERENCE

EPA encourages exploring settlement possibilities through an informal settlement conference. Requesting, scheduling, or participating in a settlement conference **does not** substitute for an answer or extend the period mentioned above for filing an answer and a request for a hearing. Failing to file an answer may lead to a default order, even if a settlement

conference occurs. The parties may simultaneously pursue settlement and proceed with administrative litigation under 40 C.F.R. part 22.

If a settlement can be reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions that Respondent may have regarding this complaint, should be directed to the attorney named below.

Dated this 20<sup>th</sup> day of September, 2007.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8  
Complainant.

Michael T. Bizner  
for Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Margaret J. ("Peggy") Livingston  
Margaret J. ("Peggy") Livingston  
Enforcement Attorney  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-7202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

Harry Washut  
Registered Agent and Operator  
Grand Teton Park Resort, Inc.  
17750 East Highway 287  
Moran, WY 83013

Date: 9/20/07

By: Judith McTernan  
Judith McTernan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 8  
 1595 WYNKOOP STREET  
 DENVER, CO 80202-1129  
 Phone 800-227-8917  
<http://www.epa.gov/region08>

COMPLAINANT'S  
 EXHIBIT NO. 4

DOCKET NO.: SDWA-08-2007-0089

GRAND TETON PARK RESORT, INC.  
 HARRY WASHUT

Respondents

)  
)  
)  
)  
)  
)  
)

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 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 21<sup>st</sup> DAY OF April, 2008

  
 Elyana R. Sutin  
 Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF )  
)  
)  
Grand Teton Park Resort, Inc. )  
Harry Washut )  
Jackson, Wyoming ) Docket No. SIWA-08-2007-0089  
)  
Respondents ) CONSENT AGREEMENT  
)  
Proceedings under section 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 20, 2007, EPA issued an Administrative Penalty Complaint (Complaint) alleging that the Respondents violated an Administrative Order that EPA had previously issued under section 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 its violation, pursuant to section 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.

Grand Teton Park Resort, Inc. and Harry Washut  
Docket No. SDWA-08-2007-0089  
Consent Agreement

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 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 seven thousand dollars (~~\$7,000~~) in the manner described below:

- a. Payment shall be in a single payment of \$7,000 made no later than thirty 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. Payments 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

Grand Teton Park Resort, Inc. and Harry Washut  
Docket No. SDWA-08-2007-0089  
Consent Agreement

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-GI.  
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:

Melanie Wasco  
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 1<sup>st</sup>  
late day, 30 days of interest will have accrued).

- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 11<sup>th</sup> 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 121<sup>st</sup> 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.

Grand Teton Park Resort, Inc. and Harry Washut  
Docket No. SDWA-08-2007-0089  
Consent Agreement

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: 30 March 2008

By: Diann Sipe  
Diann Sipe, Director  
Water Enforcement Program  
Office of Enforcement,  
Compliance and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Date: 3/31/08

By: Matthew Cohn  
David J. Janik, Director  
Matthew Cohn, 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

Grand Teton Park Resort, Inc. and Harry Washut  
Docket No. SDWA-08-2007-0089  
Consent Agreement

GRAND TETON PARK RESORT, INC.  
Respondent

Date: 2-20-08

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

Harry Washut  
HARRY WASHUT  
Respondent

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **GRAND TETON PARK RESORT, INC., HARRY WASHUT, DOCKET NO.: SDWA-08-2007-0089** was filed with the Regional Hearing Clerk on April 3, 2008.

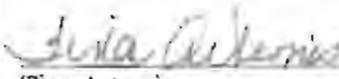
Further, the undersigned certifies that a true and correct copy of the document was delivered to Margaret "Peggy" Livingston, Enforcement Attorney, U.S. EPA - Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt and e-mailed on April 3, 2008 to

Harry Washut  
Registered Agent and Operator  
Grand Teton Park Resort, Inc.  
17750 E. Highway 287  
Moran, WY 83013

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

April 3, 2008

  
Tina Artemis  
Paralegal/Regional Hearing Clerk