



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 JUL -5 P 3 19
REGIONAL HEARING
CLERK

JUL -5 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5954 5232

Ms. Donna D'Amico
Licensed Operator
National Park Water Department
7 Grove Road
National Park, New Jersey 08063

Re: In the Matter of: National Park Water Department (PWS ID: NJ0812001)
Complaint for Penalty (Docket No. SDWA-02-2012-8402)

Dear Ms. D'Amico:

Enclosed you will find a Complaint which the U.S. Environmental Protection Agency ("EPA" or "Agency"), the Complainant, is issuing to the National Park Water Department (the "Respondent") as a result of our determination that the National Park Water Department public water system failed to comply with the requirements of the Stage 2 Disinfectants and Disinfection Byproducts Rule ("Stage 2 DBPR") under the Safe Drinking Water Act ("SDWA"), as implemented by EPA's regulations at 40 C.F.R. Part 141, Subpart U, and failed to comply with the Administrative Order ("AO") (Docket No. SDWA-02-2011-8011) issued by the EPA on July 29, 2011. The Complainant requests that a penalty of \$4,600 be assessed against this public water system for these violations.

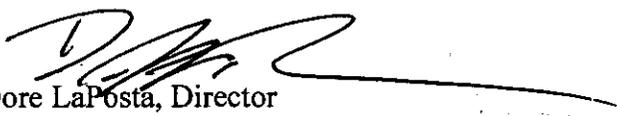
As the Respondent, you have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint.

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**

EPA urges your prompt attention to this matter. If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact Timothy C. Murphy, Esq. of the Water and General Law Branch at (212) 637-3236.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

1. Complaint
2. Consolidated Rules of Practice
3. Proposed Consent Agreement and Final Order
4. Administrative Order (Docket No. SDWA-02-2011-8011)

cc: Karen Maples, EPA Regional Hearing Clerk (w/Complaint and CA/FO)
Mary Simpson, Southern Bureau of Water Compliance & Enforcement

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
MIL. JUL - 5 P 3 19
REGIONAL HEARING
CLERK

IN THE MATTER OF:

National Park Water Department
7 Grove Road
National Park, NJ 08063

PWS ID: NJ0812001

Respondent

Proceeding Pursuant to § 1414(g)(3)(B) of the Safe
Drinking Water Act, 42 U.S.C. § 300g-3(g)(3)(B)

Proceeding to Assess Civil
Penalty Under Section 1414(g)(3)(B)
of the
Safe Drinking Water Act

Docket No.
SDWA-02-2012-8402

COMPLAINT,
FINDINGS OF VIOLATION, NOTICE OF PROPOSED ASSESSMENT OF A CIVIL PENALTY
AND NOTICE OF OPPORTUNITY TO REQUEST A HEARING

I. Statutory Authority

1. This Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g)(3)(B) of the Safe Drinking Water Act ("SDWA" or "Act"), 42 U.S.C. § 300g-3(g)(3)(B) and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2 ("Complainant").
2. Pursuant to Section 1414(g)(3)(B) of the Act, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that a civil penalty be assessed against the National Park Water Department ("Respondent") for the violation of an administrative order issued pursuant to Section 1414(g) of the SDWA, requiring compliance with an applicable requirement of the Act at its public water system (National Park Water Department), located in National Park, New Jersey.

II. Findings of Violation

1. Respondent owns and/or operates the National Park Water Department "public water system," within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, located in National Park, New Jersey.

10. Respondent's public water system is a community water system that serves less than 10,000 people or is a consecutive community water system that is part of a combined distribution system that serves less than 10,000 people. Therefore, it was required to submit a final IDSE Report in accordance with 40 C.F.R. § 141.601(c) by July 1, 2010.
11. Based on information provided by NJDEP, Respondent failed to submit its IDSE Report by the July 1, 2010 deadline.
12. Based on information provided by NJDEP, Respondent failed to respond to a notice of noncompliance issued by NJDEP on July 20, 2010.
13. On October 22, 2010, USEPA issued an Administrative Order, Docket No. SDWA-02-2011-8004, to Respondent requiring the submittal of the IDSE Report within thirty (30) days of receipt of the Order.
14. According to certified mail by the United States Postal Service, Respondent received the AO on October 23, 2010.
15. On November 22, 2010, USEPA received a request for an extension of the submittal of the IDSE report due to the monitoring not being conducted.
16. On July 8, 2011, the Licensed Operator for National Park, Mr. Ed Phelps, contacted USEPA stating that three consecutive samples had been taken in the fourth week of December 2010, the fourth week of March 2011, and the fourth week of June 2011.
17. On July 29, 2011, USEPA issued an Administrative Order ("AO"), Docket No. SDWA-02-2011-8011, to Respondent to establish an enforceable schedule to comply with the remaining requirements of the SDWA and 40 C.F.R. Part 141, Subparts U and V. Ordered provisions included submittal of the IDSE report by December 31, 2011.
18. On February 28, 2012, USEPA issued a reminder letter to the Respondent requesting the status of compliance with the AO issued on July 29, 2011.
19. Based on information provided by NJDEP, the Respondent submitted its IDSE report on April 10, 2012.
20. Respondent failed to comply with the requirements of 40 C.F.R. §§ 141.600 and 141.601 and the AO.

COUNT 1

21. Pursuant to 40 C.F.R. §§ 141.600 and 141.601, Respondent was required to complete standard monitoring by March 31, 2010, and prepare and submit an IDSE report to the state by July 1, 2010.

22. Pursuant to Part III, Paragraph 2 of the AO, Respondent was required to complete an IDSE report in accordance with 40 C.F.R. § 141.601(c), and submit compliance to NJDEP and EPA by December 31, 2011.
23. Respondent failed to demonstrate compliance with the requirements specified in 40 C.F.R. §§ 141.600 and 141.601 by the date specified in the AO, and is, therefore, in violation of Part III, Paragraph 2 of the AO.

III. Notice of Proposed Order Assessing a Civil Penalty

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 1414(g)(3)(b) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), EPA Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties ("Final Order") to Respondent assessing a penalty of **Four Thousand Six Hundred Dollars (\$4,600.00)**. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 1414(b) of the Act, 42 U.S.C. § 300g-3(g)(b). EPA has taken into account the seriousness of the violation(s), the population at risk, and other appropriate factors, in light of information currently available to it.

IV. Procedures Governing This Administrative Litigation

The rules of procedure governing this civil administrative litigation have been set forth in 40 C.F.R. Part 22. This proceeding 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 Administrative Procedures Act, 5 U.S.C. § 554, in which case Subpart I shall not apply.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate, or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

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

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action, 40 C.F.R. § 22.15(a).

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The

Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief, and (4) whether Respondent requests a hearing. 40 C.F.R. § 22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing on this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely [i.e. in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)] Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued there after shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

V. Informal Settlement Conference

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant

to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business, and/or (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Timothy C. Murphy, Esq.
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
(212) 637-3236

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondent's requesting a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In accepting the Consent Agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondent's entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in such Consent Agreement terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VI. Resolution of this Proceeding Without Hearing or Conference

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA Assistant Regional Counsel identified on the previous page. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this complaint to the following addressee:

Regional Hearing Clerk
U. S. Environmental Protection Agency, Region 2
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall issue until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. Filing of Documents

1. The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

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

2. A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

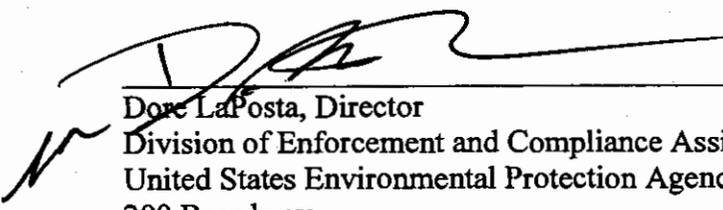
Timothy C. Murphy, Esq.
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2

290 Broadway, 16th floor
New York, New York 10007-1866
(212) 637-3236

VIII. General Provisions

- I. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), will affect Respondent's continuing obligation to comply with the Act, and with regulations promulgated thereunder.

ISSUED THIS 27th DAY OF June 2012.



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency – Region 2
290 Broadway
New York, New York 10007-1866

To: MS. DONNA D'AMICO
National Park Water Department
7 Grove Road
National Park, NJ 08063

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

National Park Water Department
7 Grove Street
National Park, NJ 08063

PWS ID: NJ0812001

Respondent

Proceeding Pursuant to § 1414(g)(3)(B) of the Safe
Drinking Water Act, 42 U.S.C. § 300g-3(g)(3)(B)

CONSENT AGREEMENT
& FINAL ORDER

Docket No.
SDWA-02-2012-8402

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

National Park Water Department
7 Grove Street
National Park, NJ 08063
Docket Number: SDWA-02-2012-8402

I sent by inter-office mail the original and a copy of the foregoing Consent Agreement and Final Order to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

JUL - 5 2012

Date: _____
New York, New York

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

National Park Water Department
7 Grove Road
National Park, NJ 08063

PWS ID: NJ0812001

Respondent

Proceeding Pursuant to § 1414(g)(3)(B) of the Safe
Drinking Water Act, 42 U.S.C. § 300g-3(g)(3)(B)

CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
SDWA-02-2012-8402

I. Preliminary Statement

1. This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 1414(g)(3)(B) of the Safe Drinking Water Act (the "Act"), 42 U.S.C. § 300g-3(g)(3)(B).
2. The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA"), issued a "Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing" ("Complaint") to the National Park Water Department ("Respondent"), on _____.
3. The Complaint charged Respondent with violating the terms and conditions of an Administrative Order issued to Respondent pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), requiring compliance with an applicable requirement of the Act at Respondent's public water system (National Park Water Department) in National Park, New Jersey.

II. Findings of Fact and Conclusions of Law

1. Respondent owns and/or operates the National Park Water Department "public water system," within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, located in National Park, New Jersey.

2. Respondent is a "supplier of water" within the meaning of Section 1401 (5) of the SDWA, 42 U.S.C. § 300f (5), and 40 C.F.R. § 141.2.
3. Respondent is a "person" as defined in Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2, and is subject to an Administrative Order ("AO") issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1).
4. Respondent's public water system provides piped water for human consumption and regularly serves at least twenty-five (25) individuals, and is therefore a "community water system" as defined by Section 1401(15) of the SDWA, 42 U.S.C. § 300(f)(15) and 40 C.F.R. § 141.2.
5. On January 4, 2006, EPA promulgated the Stage 2 Disinfectants and Disinfection Byproducts Rule ("Stage 2 DBPR"), 40 C.F.R. Part 141, Subparts U and V, to provide for increased public health protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts ("DBPs"). The Stage 2 DBPR requires community water systems that use a primary or residual disinfectant other than ultraviolet light, or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light, to conduct an Initial Distribution System Evaluation ("IDSE") to identify the locations with high disinfection byproduct concentrations. The locations identified in the IDSE are then to be used as sampling sites for Stage 2 DBPR compliance monitoring. The Stage 2 DBPR introduces a new method for calculating compliance with the maximum contaminant levels for total trihalomethanes and haloacetic acids, referred to as the locational running annual average ("LRAA").
6. The New Jersey Department of Environmental Protection ("NJDEP") administers the Public Water Supply Supervision Program in the state of New Jersey pursuant to Section 1413 of the SDWA. The approval and delegation of primary enforcement responsibility from USEPA to NJDEP was effective as of July 13, 1979. On October 6, 2010, NJDEP referred National Park Water Department to EPA for the issuance of a formal enforcement action.
7. Pursuant to 40 C.F.R. § 141.600(b), community water systems that use a primary or residual disinfectant other than ultraviolet light, or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light, are required to comply with 40 C.F.R. Part 141 Subparts U and V ("Stage 2 DBPR").
8. Respondent's public water system adds a disinfectant other than ultraviolet light, or delivers water that has been treated with a disinfectant other than ultraviolet light. Therefore, it is subject to the requirements of 40 C.F.R. Part 141 Subparts U and V ("Stage 2 DBPR").
9. Pursuant to 40 C.F.R. § 141.600(c), community water systems serving less than 10,000 people were required to submit a final IDSE Report in accordance with 40 C.F.R. § 141.601(c) by July 1, 2010. Wholesale and consecutive systems that are part of a

combined distribution system, as defined by 40 C.F.R. § 141.2, are required to comply at the same time as the largest system within their combined distribution system.

10. Respondent's public water system is a community water system that serves less than 10,000 people or is a consecutive community water system that is part of a combined distribution system that serves less than 10,000 people. Therefore, it was required to submit a final IDSE Report in accordance with 40 C.F.R. § 141.601(c) by July 1, 2010.
11. Based on information provided by NJDEP, Respondent failed to submit its IDSE Report by the July 1, 2010 deadline.
12. Based on information provided by NJDEP, Respondent failed to respond to a notice of noncompliance issued by NJDEP on July 20, 2010.
13. On October 22, 2010, USEPA issued an Administrative Order ("AO"), Docket No. SDWA-02-2011-8004 to Respondent, requiring Respondent to submit the IDSE report within thirty (30) days of receipt of the Order.
14. According to certified mail by the United States Postal Service, Respondent received the AO on October 23, 2010.
15. On November 22, 2010, USEPA received a request for an extension of the submittal of the IDSE report due to the monitoring not being conducted.
16. On July 8, 2011, the Licensed Operator for National Park, Mr. Ed Phelps, contacted USEPA stating that three consecutive samples have been taken in the fourth week of December 2010, the fourth week of March 2011, and the fourth week of June 2011.
17. On July 29, 2011, USEPA issued an AO, Docket No. SDWA-02-2011-8011, to Respondent to establish an enforceable schedule to comply with the requirements of the SDWA and 40 C.F.R. Part 141, Subparts U and V. Ordered provisions included submittal of the IDSE report by December 31, 2011.
18. On February 28, 2012, USEPA issued a reminder letter to the Respondent requesting a status of compliance with the AO issued on July 29, 2011.
19. Based on information provided by NJDEP, the Respondent submitted its IDSE report on April 10, 2012.
20. Based on information available to EPA, Respondent failed to comply with the requirements of 40 C.F.R. §§ 141.600 and 141.601 and the AO.

III. Consent Agreement

Based upon the foregoing, and pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("CROP") (40 C.F.R. § 22.18), it is hereby agreed by and between the parties and Respondent voluntarily and knowingly agrees as follows:

Terms of Settlement

1. This Consent Agreement and Final Order ("CA/FO") shall apply to and be binding upon Respondent, its officers, directors, employees, successors and assigns.
2. Respondent shall provide a copy of this CA/FO to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this CA/FO.
3. In any action to enforce this CA/FO, Respondent shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this CA/FO.
4. For the purpose of this proceeding, Respondent stipulates that:
 - a. EPA has jurisdiction over the subject matter alleged herein and that this Consent Agreement states a claim upon which relief can be granted against Respondent;
 - b. Respondent waives any defenses they might have as to jurisdiction and venue;
 - c. Respondent hereby consents to the terms of this CA/FO; but neither admits nor denies the factual and legal allegations contained herein;
 - d. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth herein; and,
 - e. Respondent consents to the payment of the civil penalty cited in Paragraph 5 below.
5. Complainant and Respondent agree that an appropriate civil penalty to settle this proceeding is in the amount of **Six Hundred Dollars (\$600)**.

Payment of Civil Penalty

1. Respondent shall pay a civil penalty to EPA in the amount of **Six Hundred Dollars (\$600.00)**. Such payment shall be made by cashier's or certified check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be payable to

the "Treasurer, United States of America", and shall be mailed to:

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

The check shall be identified with a notation thereon listing the following: **IN THE MATTER OF National Park Water Department**, and shall bear thereon the **Docket Number SDWA-02-2012-8402**. Payment of the penalty must be received at the above address on or before forty five (45) calendar days after the Effective Date of this CA/FO (the "due date").

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- a. Amount of Payment
- b. SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- c. Account Code for Federal Reserve Bank of New York receiving payment:
68010727
- d. Federal Reserve Bank of New York ABA routing number: 021030004
- e. Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- f. Name of Respondent: National Park Water Department
- g. Case Number: SDWA-02-2012-8402

Such EFT must be received on or before 45 calendar days after the Effective Date of this CA/FO.

Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made, to both:

Timothy C. Murphy, Esq.
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

and

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

- h. Failure to pay the amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
- i. Further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.
- j. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. § 162(f).
- k. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from Respondent's federal or state taxes.

IV. General Provisions

1. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint.
2. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.
3. Respondent knowingly and explicitly waives its right under § 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B) to request or to seek any Hearing on or Judicial review of the Complaint or on any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.
4. Issuance of the CA/FO does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this penalty assessment, either administratively or judicially pursuant to Sections 1414 of the Act, 42 U.S.C. § 300g-3. Issuance of or compliance with this CA/FO does not waive, extinguish or otherwise affect Respondent's

obligation to comply with all applicable requirements of the Act, of regulations promulgated thereunder and of any legal order or permit issued thereunder.

5. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
6. Each party hereto agrees to bear its own costs and fees in this matter.
7. Respondent consents to service upon Respondent by a copy of this CA/FO by an EPA employee other than the Regional Hearing Clerk.

FOR THE RESPONDENT:

FOR THE COMPLAINANT:

Dated this ____ day of: _____, 2012

Dated this ____ day of: _____, 2012

MS. DONNA D'AMICO
National Park Water Department
7 Grove Street
National Park, NJ 08063

MS. DORE LAPOSTA, Director
Division of Enforcement and Compliance
Assistance
U.S. Environmental Protection Agency
Region 2
New York, NY 10007-1866

In The Matter of:

National Park Water Department
7 Grove Street
National Park, NJ 08063
Docket Number: SDWA-02-2012-8402

IV. Final Order

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: _____

HELEN S. FERRARA
Regional Judicial Officer
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

In The Matter of:

National Park Water Department
7 Grove Street
National Park, NJ 08063
Docket Number: SDWA-02-2012-8402

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

National Park Water Department
7 Grove Road
National Park, NJ 08063

PWS ID: NJ0812001

Respondent

Proceeding Pursuant to § 1414(g)(3)(B) of the Safe
Drinking Water Act, 42 U.S.C. § 300g-3(g)(3)(B)

Proceeding to Assess Civil
Penalty Under Section 1414(g)(3)(B)
of the
Safe Drinking Water Act

Docket No.
SDWA-02-2012-8402

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," (40 C.F.R. Part 22) to the following person at the address listed below:

MS. DONNA D'AMICO
National Park Water Department
7 Grove Street
National Park, NJ 08063

I sent by inter-office mail the original and a copy of the foregoing Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date: JUL - 5 2012
New York, New York