



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

2008 MAR 25 PM 9:07

DOCKET NO.: SDWA-08-2007-0096

IN THE MATTER OF:	)	
	)	
EVANSTON LODGE NO. 2588	)	ORDER GRANTING FILING
BENEVOLENT AND PROTECTIVE ORDER	)	OF FACSIMILE CONSENT
OF ELKS OF THE USA	)	AGREEMENT AND
	)	FINAL ORDER
	)	
Respondent.	)	

This court will accept the facsimile filing of the Consent Agreement in this matter at this time, however the Parties are to file the original Consent Agreement within seven days of issuance of this Order.

The Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 25<sup>th</sup> Day of March, 2008

\_\_\_\_\_  
 Elyana R. Sutin  
 Regional Judicial Officer

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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IN THE MATTER OF:	)	Docket No. SDWA-08-2007-0096
	)	
Evanston Lodge No. 2588	)	CONSENT AGREEMENT
Benevolent and Protective Order of	)	
Elks of the USA	)	
	)	
Respondent.	)	

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Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Evanston Lodge No. 2588 Benevolent and Protective Order of the Elks of the United States of America (Respondent), by their undersigned representatives, hereby consent and agree as follows:

1. On September 27, 2007, Complainant issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging certain violations of the National Primary Drinking Water Regulations (NPDWRs) set forth at 40 C.F.R. Part 141 and Section 1411 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g et seq. The Complaint proposed a civil penalty for the violations alleged therein.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint, or this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under

this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. Respondent consents and agrees to pay a civil penalty in the amount of four hundred fifty dollars (\$450) in the manner described below in this paragraph:

- a. Payment is due within 30 calendar days from the date written on the Final Consent 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 becomes the next business day. The date the payment is made is considered to be the date processed by Mellon Bank described below. Payments received by 11:00 AM EST are processed on the same day, those received after 11:00 AM are processed on the next business day.
- b. The payment shall be made by remitting a cashier's or certified check, referencing the name and docket number of this case for this amount, payable to "**Environmental Protection Agency**," to:

**US checks by regular  
US postal service mail:**

US EPA Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

**Federal Express, Airborne,  
or other commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

**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 "D 68010727  
Environmental Protection Agency "

**On Line Payment:**

WWW.PAY.GOV

Enter sfo 1.1 in the search field

Open form and complete required fields.

Copies of the check or wire transfer shall be simultaneously sent to:

Kimberly Pardue-Welch  
U.S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

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

- c. In the event payment is not received by the specified due date, interest accrues from the date of the final order, not the payment 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 the payment is received in full (i.e., on the 1<sup>st</sup> late day, 30 days of interest accrues).
- d. In addition to the accrual of interest specified in paragraph 5(c) of this Agreement, a handling charge of fifteen dollars (\$15.00) shall be assessed on the 31<sup>st</sup> day from the date of the final order, and each subsequent 30-day period that the penalty, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if the penalty payment is not received within 90 days of the due date (i.e., 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. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

6. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Act and its implementing regulations.

7. Failure by Respondent to comply with any of the terms of the Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the

Department of Justice for enforcement of the Consent Agreement and for such other relief as may be appropriate in federal district court.

8. Nothing in the 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 Respondent's failure to perform pursuant to the terms of the Consent Agreement.

9. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into and bind the Respondent to the terms and conditions of this 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 connection with this matter.

12. The 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: 3/11/08

By:   
Andrew M. Gaydosh,  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

**EVANSTON LODGE NO. 2588,  
BENEVOLENT AND PROTECTIVE ORDER  
OF ELKS OF THE USA,  
Respondent.**

Date: 2/28/08

By: *Ann Nelson*  
Secretary

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING FACSIMILE FILING OF CONSENT AGREEMENT AND FINAL ORDER** in the matter of **EVANSTON LODGE NO. 2588 BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE USA, DOCKET NO.: SDWA-08-2007-0096**, was filed with the Regional Hearing Clerk on March 25, 2008.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, 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 on March 25, 2008, to:

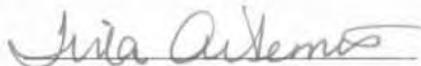
Jack Vreeland, Attorney and Registered Agent  
Evanston Lodge No. 2588, Benevolent and Protective  
Order of the Elks of the USA  
P. O. Box 1115  
Evanston, WY 82931-1115

Lynn Nelson, Secretary  
Evanston Lodge No. 2588, Benevolent and Protective  
Order of the Elks of the USA  
P. O. Box 268  
Evanston, WY 82931

And hand-carried to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
1595 Wynkoop Street (8RC)  
Denver, CO 80202

March 25, 2008

  
Tina Artemis  
Paralegal/Regional Hearing Clerk