

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

JUL 24 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2008 JUL 24 PM 2:09
REGIONAL HEARING
CLERK

John Feola
Dorothea Condominium Association
17-2 Estate Dorothea
St. Thomas, U.S.VI 00802

Re: In the Matter of **Dorothea Condominium Association**
Docket No. SDWA-02-2008-8400

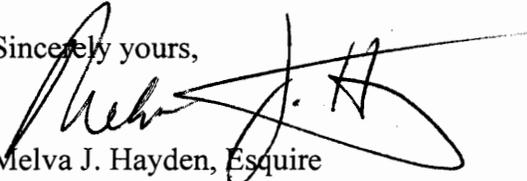
Dear Mr. Feola:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) that resolves the above referenced matter.

Please submit the penalty payment in accordance with the schedule and due date indicated on page 3 of the CA/FO.

Should you have any questions, please do not hesitate to contact me at (212) 637-3230. I wish to thank you for your cooperation and assistance to bring this matter to a mutually satisfactory resolution.

Sincerely yours,


Melva J. Hayden, Esquire
Assistant Regional Counsel
Office of Regional Counsel
Water & General Law Branch

Enclosure

cc: Karen Maples, Regional Hearing Clerk

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NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
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IN THE MATTER OF:

Mr. Malik Shalhout
Dorothea Condominium Association
St. Thomas, VI

Respondent

Proceeding Pursuant §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-02-2008-8400

I. Preliminary Statement

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).

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 Dorothea Condominium Association ("Respondent") on December 28, 2007.

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 (Dorothea Condominium Association public water system) in St. Thomas, United States Virgin Islands.

II. Findings of Fact and Conclusions of Law

1. Respondent owns and/or operates the Dorothea Condominium Association "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 St. Thomas, United States Virgin Islands.
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 SDWA, 42 U.S.C. §300f(12), and 40 C.F.R. §141.2, and is subject to an Administrative Order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(g)(1).
4. The Dorothea Condominium Association public water system provides piped water for human consumption and regularly serves a population of at least 25 individuals, and is therefore a "community water system" as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15) and 40 C.F.R. §141.2.
5. 40 C.F.R. §141.152 (b) requires community water systems to prepare and distribute their Consumer Confidence Report ("CCR") annually by July 1.
6. 40 C.F.R. §141.155(c) and (d) requires Respondent to mail a copy of the CCR to the primacy agency (VIDPNR), as well as any other agency or clearinghouse VIDPNR designates no later than the date the CCR is required to be delivered to its customers as required by 40 C.F.R. §141.152(b).
7. On May 29, 2007, the Environmental Protection Agency (EPA) issued an Administrative Order ("AO" or "Order"), Docket No. SDWA-02-2007-8037, requiring Respondent to prepare and deliver a combined CCR which includes all the information required by 40 C.F.R. §141.153 and §141.154 to all of the Respondent's consumers with data from calendar years 2005 and 2006 as required by 40 C.F.R. Part 141, Subpart O, in no case later than July 1, 2007.
8. Based on the information available to EPA, the Respondent has failed to prepare and deliver a combined 2005/2006 CCR by July 1, 2007, as specified in the SDWA and 40 C.F.R. Part 141, Subpart O, for the 2005 and 2006 calendar years, in violation of 40 C.F.R. §141.152(b), §141.153, §141.154 and §141.155 and Paragraphs 1-3 of 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:

Jurisdiction

1. For the purpose of this proceeding, Respondent a) admits the jurisdictional allegations of the Complaint as applied to the facility; and b) neither admits nor denies the specific factual allegations and legal conclusions contained in the Complaint and Findings of Fact.

Payment of Civil Penalty

2. Respondent shall pay a civil penalty to EPA in the amount of **Five Hundred Dollars (\$500.00)**. 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
PO Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation thereon listing the following: **IN THE MATTER OF DOROTHEA CONDOMINIUM ASSOCIATION**, and shall bear thereon the **Docket Number SDWA-02-2008-8400**. 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: Dorothea Condominium Association
- g. Case Number: SDWA-02-2008-8400

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:

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

and

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Mr. Malik Shalhout
Dorothea Condominium Association
St. Thomas, U.S.VI 00802

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-02-2008-8400

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:

MR. JOHN FEOLA
17-2 Estate Dorothea
St. Thomas, U.S.VI 00802

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.

Date: 7/24/08



New York, New York