

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 JUL 28 PM 1:10

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
MACKAY INVESTMENTS, LLC)
)
Respondent.)
)
)
Proceeding under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

Docket No.: SDWA-08-2013-0058

CONSENT AGREEMENT

The United States Environmental Protection Agency Region 8 (Complainant) and Mackay Investments, LLC (Respondent), by their undersigned representatives, hereby consent and agree as follows:

1. On September 18, 2013, the Complainant issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging that the Respondent violated a May 5, 2011, Administrative Order (AO) that the Complainant had previously issued under section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g). The Complaint proposed that the Respondent pay an administrative civil penalty for its violations, pursuant to section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3). On May 19, 2015, Complainant filed a Motion for Default, proposing a penalty in the amount of six thousand, nine hundred forty-nine dollars and thirty-eight cents (\$6,949.38).

2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint. The Respondent does not admit to any violations of the Act or to any wrongdoing.

3. The Respondent waives its rights to contest the allegations in the Complaint and to appeal any final order (Final Order) issued by the Regional Judicial Officer approving this Consent Agreement.

4. This Consent Agreement, upon incorporation into a Final Order, applies to and is binding upon the Complainant and upon the Respondent and the Respondent's successors and assigns. Any change in the Respondent's 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 Respondent's responsibilities under this Consent Agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondent has consented to and agreed to pay the Complainant's proposed civil penalty in the amount of six thousand, nine hundred forty-nine dollars and thirty-eight cents (\$6,949.38). On July 8, 2015, the Complainant received confirmation that the Respondent, by transaction type ACH Debit, made full payment. A copy of the notification and confirmation of payment is attached to this Consent Agreement.

6. Nothing in this Consent Agreement shall relieve the Respondent of the duty to comply with the terms of the above-referenced AO, which remains in full effect, or the duty to comply with any provision of the Act and its implementing regulations.

7. The undersigned representative of the Respondent certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement.

8. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

9. Each party shall bear its own costs and attorney's fees in this matter.

10. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a full settlement of the United States' claims for civil penalties against the Respondent for the specific violations alleged in the Complaint.

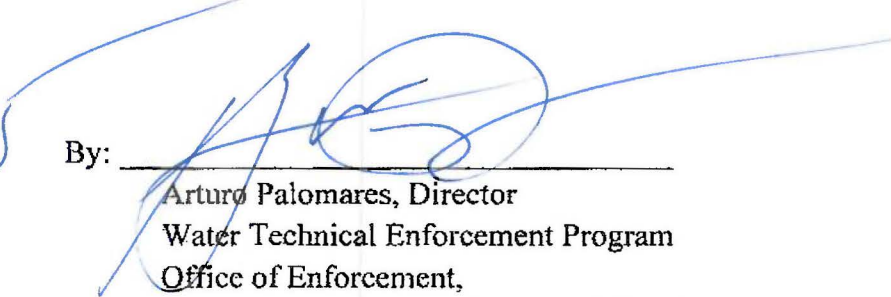
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8,

Complainant.

Date:

7/28/2015

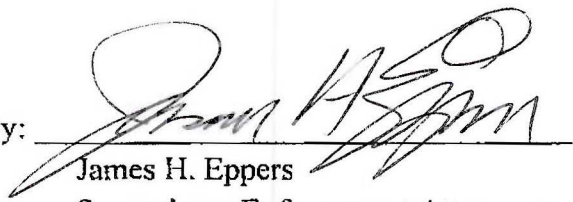
By:


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement,
Compliance and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

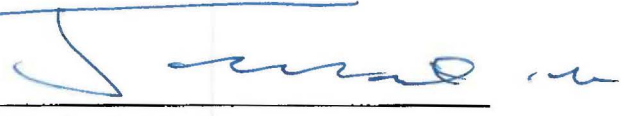
Date:

7/27/15

By:


James H. Eppers
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

MACKAY INVESTMENTS, LLC
Respondent.

* Date: 7/24/15 By: 
Mr. Jamie Mackay
Mackay Investments, LLC

Bearley, Mia

From: notification@pay.gov
Sent: Wednesday, July 08, 2015 11:54 AM
To: Bearley, Mia
Subject: Pay.gov Payment Confirmation: EPA Miscellaneous Payments

Your payment has been submitted to Pay.gov and the details are below. If you have any questions regarding this payment, please contact Craig Steffen at (513) 487-2091 or steffen.craig@epa.gov.

Application Name: EPA Miscellaneous Payments
Pay.gov Tracking ID: 25M8165H
Agency Tracking ID: 74834813485

Account Holder Name: Mackay Investments, LLC Jackson Hole Campground
Transaction Type: ACH Debit
Transaction Amount: \$6,949.38
Payment Date: 07/09/2015
Account Type: Business Checking
Routing Number: (b) (6) - Phone
Account Number: Number; Personal
Privacy

Transaction Date: 07/08/2015 01:53:38 PM EDT
Total Payments Scheduled: 1
Frequency: OneTime

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER GRANTING REQUEST TO WITHDRAW MOTION FOR DEFAULT AND FINAL ORDER** in the matter **MACKAY INVESTMENTS, LLC.; DOCKET NO.: SDWA-08-2013-0058** was filed with the Regional Hearing Clerk on July 28, 2015.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on July 28, 2015 to:

Jamie Mackay, Registered Agent
Mackay Investments, LLC.
2780 N. Moose Wilson Road/P. O. Box 1827
Wilson, WY 83014

Emailed to:

Honorable Elyana R. Sutin
Regional Judicial Officer
U. S. Environmental Protection Agency
1595 Wynkoop Street (8RC)
Denver, CO 80202

Kim White
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

July 28, 2015



Tina Artemis
Paralegal/Regional Hearing Clerk

