

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2012 MAR 14 AM 10:18
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

Monterey Subdivision Water System

Respondent

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DOCKET NO. SDWA-06-2012-1211

FINAL ORDER

I. PRELIMINARY STATEMENT

1. This Final Order is issued under the authority vested in the United States Environmental Protection Agency ("EPA") pursuant to Section 1414(g)(3) of the Safe Drinking Water Act (herein "the Act"), 42 U.S.C. § 300g-3(g)(3). This Final Order is issued in accordance with 40 C.F.R. § 22.18, as described in the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits."

2. On January 10, 2012, EPA Region 6 issued to the Monterey Subdivision Water System ("Respondent") an Administrative Complaint ("Complaint") under Section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3) which proposed to assess a civil penalty against Respondent, and gave notice of the Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. Respondent paid the full penalty proposed in the complaint and filed with the Regional Hearing Clerk a copy of the check within 30 days of the receipt of the complaint pursuant to 40 C.F.R. 22.18(a) under "Quick resolution."

4. Entry of this Final Order resolves only those violations alleged in the Complaint.

5. Respondent expressly waives any right to contest the factual allegations or conclusions of law contained in the Complaint and this Final Order and waives its right to appeal the Final Order set forth herein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. Respondent is a “person,” as that term is defined at Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

7. At all times relevant, the Respondent owned or operated a public water system (PWS) as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in St. Tammany Parish, Louisiana (facility), designated as PWS number LA1103148.

8. At all times relevant, the Respondent’s PWS was a “community water system” as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).

9. At all times relevant, Respondent’s PWS was subject to the requirements of the Stage 2 Disinfectants and Disinfection Byproducts Rule (“Stage 2 DBPR”) as set forth in 40 C.F.R. § 141.600.

10. As a PWS and a “supplier of water,” Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled “National Primary Drinking Water Regulations.”

11. The Complaint specified Findings of Fact and Conclusions of Law that are hereby incorporated by reference and alleged, among other things, that at the relevant times: Respondent was a “person” that “owned or operated” a PWS that and was a “supplier of water,” and as such, subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled “National Primary Drinking Water Regulations.” Respondent is required to comply with the Stage 2 DBPR requirements of the Act as set forth in Section 1412

of the Act, 42 U.S.C. § 300g-1. Respondent violated Section 1412 of the Act, 42 U.S.C. §300g-1, by failing to conduct the 2010 standard monitoring and by failing to submit an Initial Distribution System Evaluation report.

12. With the issuance of the Complaint, the Louisiana Department of Health and Hospital was notified and given an opportunity to consult with EPA regarding the proposed assessment of an administrative penalty against Respondent.

13. EPA notified the public of the Complaint via the internet at www.epa.gov/region6/publicnotice, and afforded the public thirty (30) days to comment on the Complaint and proposed penalty. At the expiration of the notice period, EPA received no comments from the public.

III. TERMS

A. PENALTY PROVISIONS

14. Based on the foregoing Findings of Fact and Conclusions of Law, EPA Region 6, considering the relevant criteria pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B) and acting pursuant to the authority of Section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3), assessed a civil penalty in the amount of five thousand dollars (\$5,000) to settle the violations as alleged in the Complaint, in accordance with 40 C.F.R. § 22.18(c).

15. Pursuant to 40 C.F.R. 22.18(a) under the quick resolution section, Respondent paid the proposed penalty in full instead of filing an answer within 30 days after receiving the complaint and by filing with the Regional Hearing Clerk a copy of the check or other instrument of payment.


16. Payment by respondent shall constitute a waiver of respondent's right to contest the allegations and to appeal the final order.

17. Issuance of this Final Order does not constitute a waiver by EPA of its right to enforce compliance with the requirements of Respondent's permits or other requirements of the Act by actions pursuant to Section 1414 of the Act, 42 U.S.C. § 300g-3.

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, this Final Order is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only Respondent's liability for federal civil penalties for those violations, facts, and causes of action alleged in the Complaint. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers', agents', servants', employees', successors', or assigns') obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

Issuance Date: _____



Regional Judicial Officer
EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of March, 2012, the original of the foregoing Final Order was hand-delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, by certified mail, return receipt requested, addressed to the following:

Danette Jenkins
Monterey Subdivision Water System
845 Galvez Street
Mandeville, LA 70448

with a copy, first class postage prepaid, to:

Dwayne Johnson
Kean Miller LLP
P.O. Box 3513
Baton Rouge, LA 70821
dwayne.johnson@keanmiller.com

A handwritten signature in cursive script, reading "Jackie Allen", is written over a horizontal line.