

2007 MAY 15 PM 12:49

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
 IN THE MATTER OF )  
 )  
 )  
 Town of Encampment )  
 Encampment, Wyoming )  
 )  
 Respondent )  
 )  
 Proceedings under section 1414(g) )  
 of the Safe Drinking Water Act, )  
 42 U.S.C. § 300g-3(g) )  
 \_\_\_\_\_)

Docket No. SDWA-08-2007-0042

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

05.15.07

DATE



Elyana R. Sutin  
Regional Judicial Officer

2007 MAY 15 PM 12: 50

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

FILED  
EPA REGION VIII  
HEARING CLERK

_____	)	
IN THE MATTER OF	)	
	)	
Town of Encampment	)	
Encampment, Wyoming	)	Docket No. SDWA-08-2007-0042
	)	
Respondent	)	<b>CONSENT AGREEMENT</b>
	)	
Proceedings under section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	
_____	)	

Complainant United States Environmental Protection Agency, Region 8 (EPA) and the Town of Encampment, Wyoming (Respondent) by their undersigned representatives, hereby consent and agree as follows:

1. On March 30, 2007, EPA issued an Administrative Penalty Complaint (Complaint) alleging that the Respondent violated an Administrative Order that EPA had previously issued under section 1414(g)(1) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g)(1). The Complaint proposed that the Respondent pay an administrative civil penalty for its violation, pursuant to section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3).
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 right to a hearing before any tribunal to contest any issue of law or fact set forth in the Complaint or in this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's successors and assigns. Any change in Respondent's ownership 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 agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondent consents and agrees to pay a civil penalty in the amount of twenty five hundred dollars (\$2,500) in the manner described below:

- a. Payment shall be in a single payment of \$2,500 made no later than thirty calendar days from the date of the Final 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 is the next business day. The date the payment is made is considered to be the date of the deposit ticket (standard form 215) issued by Mellon Bank, described below. Payments must be received by 11:00 AM Eastern Standard Time to be considered as received that day.
- b. The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case, for the amount stated in part "a," above, payable to "Treasurer, United States of America," as follows:

If sent by regular U.S. mail:

Mellon Bank  
Lockbox 360859  
Pittsburgh, PA 15251-6859

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If sent by any overnight commercial carrier:

U.S. EPA, 360859  
Mellon Client Service Center Rm 154-0670  
500 Ross Street  
Pittsburgh, PA 15251-6859

If sent by wire transfer:

Any wire transfer must be sent directly to the Federal Reserve Bank in  
New York City with the following information:

ABA = 021030004  
TREAS NYC/CTR/  
BNF=/AC-68011008

A copy of the check shall be sent simultaneously to:

Kathelene Brainich  
Enforcement Officer  
Water Enforcement Program (8ENF-W)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

and

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

- c. In the event the payment is not received by the specified due date, interest accrues from the date of the Final Order, not the 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 payment in full is received (i.e., on the 1<sup>st</sup> late day, 30 days of interest will have accrued).

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- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31<sup>st</sup> day from the date of the Final Order, and for each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., by 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. The 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 the Respondent of the duty to comply with the Act and its implementing regulations.

7. Any failure by the Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the Consent Agreement and may result in referral of the matter to the Department of Justice for enforcement of this Consent Agreement and for such other relief as may be appropriate.

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

9. The undersigned representative of the Respondent certifies that he or she 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.

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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 this matter.
12. This 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: 5/8/07

By: *Diane Sipe*  
Diane Sipe, Director  
Water Enforcement Program  
Office of Enforcement,  
Compliance and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

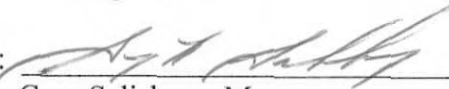
Date: 7 May 2007

By: *David J. Janik*  
David J. Janik, Acting Director  
Matthew Cohn, Acting Supervisory Attorney  
Enforcement Attorney  
Legal Enforcement Program  
Office of Enforcement,  
Compliance and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

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TOWN OF ENCAMPMENT, WYOMING,  
Respondent

Date: April 30, 2007

By: 

Greg Salisbury, Mayor  
622 Rankin Avenue  
P.O. Box 5  
Encampment, WY 82325

Certificate of Service

The undersigned certifies that the original of the attached Final Order in the matter of **Town of Encampment, Docket No. SDWA-08-2007-0042**, was filed with the Regional Hearing Clerk on May 15, 2007.

Further, the undersigned certifies that on the date indicated below, a true and correct copy of this document was hand delivered to

Margaret J. (Peggy) Livingston  
Enforcement Attorney  
US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

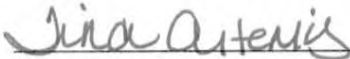
and to

Hon. Elyana R. Sutin  
Regional Presiding Officer  
US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

and that a true and correct copy of this document was sent by certified mail, return receipt requested, to:

Hon. Greg Salisbury  
Mayor, Town of Encampment  
622 Rankin Avenue  
P.O. Box 5  
Encampment, WY 82325

Date: May 15, 2007.

  
Tina Artemis  
Regional Hearing Clerk