

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§ Docket No. SDWA-06-2021-1253
	§
Yogi Bear Jellystone Park Water System,	§ Proceeding to Assess a Civil Penalty
	§ Under Section 303g-3(g)(3) of the
Respondent	§ Safe Drinking Water Act
	§
PWS ID#: LA2105049	§ ADMINISTRATIVE COMPLAINT

I. Statutory Authority

This Administrative Complaint (Complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1414(g)(3) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g)(3). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division of EPA, Region 6 (Complainant). This Complaint is issued in accordance with, and this action will be conducted under the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits," including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Respondent violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

## II. Findings of Fact and Conclusions of Law

1. Yogi Bear Jellystone Park (Respondent) is a company which was incorporated under the laws of Louisiana and as such is a "person," as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12). At all times relevant to the violations alleged herein, Respondent owned or operated the Yogi Bear Jellystone Park Water System, a public water system (PWS) as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12), located in Robert, Tangipahoa Parish, Louisiana (facility), and designated as PWS number LA2105049.

2. During the relevant time period, Respondent's PWS was a "community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15). The facility serves over 25 residents year-round.

3. During the relevant time period, Respondent's PWS was subject to the requirements of the Revised Total Coliform Rule (RTCR) as set forth in 40 C.F.R. § 141.851-141.861.

4. The Louisiana Department of Health (LDH) administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the RTCR when some of the violations described occurred; therefore, EPA has primary responsibility for enforcement of the RTCR.

5. On May 30, 2019, EPA issued an Administrative Order (AO), Docket Number SDWA-06-2019-1236, for federally enforceable sanitary deficiencies that were noted by LDH on the June 15, 2018, sanitary survey, and ordered Respondent under the Findings section to do the following:

- a. Develop a cross connection control program.
- b. Install sampling taps which are representative of the distribution system.

Respondent was also ordered under the Section 1414(g) Compliance Order section to do the following:

- a. Within thirty (30) days of receipt of this Order, Respondent shall provide to EPA a written response documenting the completed corrective actions (correcting all sanitary deficiencies) including photographs or any other documentation necessary to support those actions. The corrective actions must be completed in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim actions and measures.
- b. Within thirty (30) days of receipt of this Order, Respondent shall provide public notification regarding the failure to correct sanitary deficiencies, in accordance with 40 C.F.R. § 141.201 (a). Respondent shall also provide a copy of all public notices to EPA and LDH within forty (40) days of receipt of this Order.

6. The issuance date of the AO was May 30, 2019, and the effective date of the AO was June 13, 2019.

7. Respondent failed to comply with each AO requirement specified in paragraph 5 above and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

- a. Pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g et seq., Respondent is liable for an administrative civil penalty in an amount not to exceed \$40,640.00 for violations of the Order.

8. Respondent violated Paragraph "a" of the Compliance Order of the AO by failing to develop a cross connection control program. Since the effective date of the AO on June 13, 2019, Respondent has not developed a cross connection control program.

9. Respondent violated Paragraph "e" of the Compliance Order of the AO by failing to install sampling taps which are representative of the distribution system. Since the effective date of the AO on June 13, 2019, Respondent has not installed sampling taps which are representative of the distribution system.

10. Respondent violated Paragraph "a" of the Compliance Order of the AO by failing to provide to EPA a written response documenting the completed corrective actions.

11. Respondent violated Paragraph "b" of the Compliance Order of the AO by failing to provide public notification regarding the failure to correct sanitary deficiencies.

12. On August 21, 2019, EPA along with LDH conducted an announced inspection of the Yogi Bear Jellystone water system due to no response by Respondent. During the inspection, it was noted that the federally enforceable sanitary deficiencies had still not been addressed from the June 15, 2018, LDH sanitary survey or the May 30, 2019, EPA AO. During the exit conference, EPA urged Respondent to respond to the AO and the inspection report.

13. On September 12, 2019, EPA sent Respondent a copy of the inspection report asking Respondent to take any actions necessary to ensure compliance with the SDWA. EPA received no response from Respondent.

14. Respondent failed to comply with the Order requirement specified in paragraphs 8 through 11 above and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

- a. Pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300f et seq., Respondent is liable for an administrative civil penalty in an amount not to exceed \$40,640.00 for violations of the Order.

### III. Proposed Penalty

15. Based on these Findings and Conclusions, having taken into account the serious nature of the violations, the population at risk, and other appropriate factors including with respect to the violator, ability to pay, the past history of such violations, degree of culpability, and other matters as justice may require, and pursuant to the authority of Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), EPA proposes to assess against Respondent a penalty of eleven thousand dollars (\$11,000.00).

16. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

### IV. Failure to File an Answer

17. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

18. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (copy enclosed). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

19. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a final Default Order is issued.

20. Respondent must send its Answer to this Complaint, including any request for a Hearing, and all other pleadings to:

Regional Hearing Clerk (6ORCD)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

21. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Ms. Ellen Chang-Vaughan (6ORCEW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

22. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§ 22.05 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

23. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

#### VI. Settlement

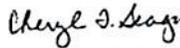
25. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Ms. Jessica Moore, of my staff, at (214) 665-6495.

26. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b). The issuance of a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted, and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

27. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B).

December 15, 2020

Date



Digitally signed by Cheryl T. Seager  
DN: c=U.S., o=U.S. Government, ou=Environmental Protection Agency, ou=CEQ, cn=Cheryl T. Seager,  
# 9.2342 18206308 100 1 1--CA011003651793  
Date: 2020.12.15 09:29:22 -0500

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Complaint was sent to the following persons,  
in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6ORCD)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
Vaughn.lorena@epa.gov

Copy by certified mail: Maurice Leblanc, Jr., Owner  
Yogi Bear Jellystone Park  
P.O. Box 519  
Robert, LA 70455

Copy by first class mail: Silas Corkern  
Enforcement Program Administrator  
Louisiana Department of Health  
P.O. Box 4489  
Baton Rouge, LA 70821-4489

Copy hand-delivered: Ellen Chang-Vaughan (6ORCEW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
Chang-vaughan.ellen@epa.gov

Dated: 1/13/21 Ellen Chang Vaughan