



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2018 SEP 26 AM 8:29

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: SDWA-08-2018-0036

IN THE MATTER OF:

THE ROCKY MOUNTAIN CONFERENCE  
OF SEVENTH-DAY ADVENTISTS

RESPONDENT

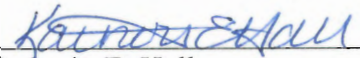
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FINAL ORDER

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice, 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 filing this Consent Agreement and Final Order.

SO ORDERED THIS 25<sup>th</sup> DAY OF September, 2018.

  
\_\_\_\_\_  
Katherin E. Hall  
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

2018 SEP 26 AM 8:29

IN THE MATTER OF: )  
 )  
The Rocky Mountain Conference of )  
Seventh-Day Adventists )  
 )  
(Mills Spring Ranch WY5600631) )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. **SDWA-08-2018-0036**

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**COMBINED COMPLAINT AND  
CONSENT AGREEMENT**

The United States Environmental Protection Agency Region 8 (EPA) and The Rocky Mountain Conference of Seventh-Day Adventists (Respondent) hereby consent and agree as follows:

**AUTHORITY**

1. This proceeding is subject to EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. This Combined Complaint and Consent Agreement (Consent Agreement) is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

2. EPA has jurisdiction over this matter pursuant to section 1414(g)(3) of the Safe Drinking Water Act (Act), as amended, 42 U.S.C. § 300g-3(g)(3).

**GENERAL ALLEGATIONS**

3. The Respondent is a Wyoming corporation and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.

4. The Respondent owns and/or operates the Mills Spring Ranch Public Water System (System), located in Natrona County, Wyoming, for the provision of piped water to the public for human consumption seasonally from July through September (opened in June prior to 2017).

5. The System has approximately seven service connections and/or regularly serves an average of approximately 200 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.

6. The Respondent owns and/or operates a public water system and is a “supplier of water” within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. As such, the Respondent is subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), set forth in 40 C.F.R. part 141. The NPDWRs set forth what is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

7. The source of the System’s water is groundwater accessed from one well.

8. On September 29, 2016, EPA issued Administrative Order Docket No. SDWA-08-2016-0031 (Order) to the Respondent pursuant to section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), citing violations of the NPDWRs.

9. The Order requires the System to comply with the NPDWRs.

10. On September 12, 2017, EPA sent the Respondent an Administrative Order Violation letter citing noncompliance with the Order and NPDWRs.

11. On March 16, 2018, EPA sent the Respondent an Administrative Order Violation #2 letter citing noncompliance with the Order and NPDWRs.

12. Wyoming has not sought primary authority for enforcing the public water supply supervision program. Therefore, EPA directly implements this program in Wyoming and, as provided by the definition of “state” in 40 C.F.R. § 141.2, EPA is the “state” for purposes of the NPDWRs in Wyoming.

## **VIOLATIONS**

### **Count I**

#### **Failure to Monitor for Total Coliform Bacteria**

13. The Order (page 2, paragraph 15) requires, pursuant to 40 C.F.R. §§ 141.853-858, that the Respondent monitor the System's water monthly for total coliform bacteria when it is open to the public.

14. The Respondent failed to monitor the System's water for total coliform bacteria during July and August 2017 and, therefore, violated this requirement.

### **Count II**

#### **Failure to Report Coliform Monitoring Violation**

15. The Order (page 2, paragraph 15) requires, pursuant to 40 C.F.R. § 141.861(a)(4), that the Respondent report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation.

16. The Respondent failed to report the July 2017 violation listed in paragraph 14, above, to EPA and, therefore, violated this requirement.

### **Count III**

#### **Failure to Monitor for Nitrite**

17. The Order (page 3, paragraph 18) requires, pursuant to 40 C.F.R. § 141.23(e), that the Respondent monitor the System's water for nitrite during the second and third quarters of 2017.

18. The Respondent failed to monitor the System's water for nitrite during the second and third quarters of 2017 and, therefore, violated this requirement.

### **Count IV**

#### **Failure to Timely Complete Public Notice**

19. The Order (page 3, paragraph 19) requires, within 30 days after opening for the 2017 season, that the Respondent notify the public of the violations of the NPDWRs cited in the Order, pursuant to 40 C.F.R. 141, subpart Q.

20. The Respondent failed to notify the public/failed to provide EPA with a signed copy of the completed public notice until September 21, 2017 (the public notice was due July 31, 2017).

### **TERMS OF SETTLEMENT**

21. The Respondent admits the jurisdictional allegations of the Consent Agreement and neither admits nor denies the specific factual allegations of the Consent Agreement.

22. The Respondent waives its rights to contest the allegations in the Consent Agreement and to appeal the final order issued by the Regional Judicial Officer approving this Consent Agreement.

23. This Consent Agreement, upon incorporation into a final order, is binding upon EPA, the Respondent and the Respondent's successors and assigns. Any change in the Respondent's corporate status or ownership or operation of the System, 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.

### **CIVIL PENALTY**

24. The Act authorizes EPA to assess an administrative civil penalty of up to \$38,954 for violation of an order issued under section 1414(g)(3). 42 U.S.C. § 300g-3(g)(3); (the original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19). In assessing a civil penalty, the Act requires EPA to take into account the seriousness of the violation, the population at risk and other appropriate factors. 42 U.S.C. § 300g-3(b).

25. The Respondent agrees to pay an administrative civil penalty in the amount of one thousand seven dollars (**\$1,007**) in the manner described below:

- (a) Payment is due no later than thirty (30) calendar days from the date of the final order issued by the Regional Judicial Officer that adopts this Consent Agreement,

and shall be made using any method provided on the following website:

<https://www.epa.gov/financial/makepayment>;

- (b) Identify each payment with the Docket No. of this CCCA; and
- (c) Within 24 hours of payment, email proof of payment to the EPA attorney, Mia Bearley, at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) (“proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the Docket No. of this CCCA. Proof of payment shall be mailed simultaneously to:

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

and

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

- (d) If 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 (*e.g.*, on the 1<sup>st</sup> late day, 30 days of interest will have accrued).
- (e) 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 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days

of the due date. Payments are first applied to outstanding handling charges, second to accrued interest, and then to the outstanding principal amount.

- (f) The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

### **GENERAL PROVISIONS**

26. Nothing in this Consent Agreement shall relieve the Respondent of the duty to comply with the Act and its implementing regulations.

27. Any failure by the Respondent to comply with this Consent Agreement shall constitute a breach of this 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.

28. Nothing in this Consent Agreement shall be construed as a waiver by 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 any failure by the Respondent to comply with this Consent Agreement.

29. The undersigned representative of the Respondent certifies that s/he is fully authorized to enter into and bind the Respondent to this Consent Agreement.

30. The parties agree to submit this Consent Agreement to the appropriate EPA Regional Judicial Officer, with a request that it be incorporated into a final order.

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


32. The Respondent waives any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which the Respondent may have, with respect to any issue of fact or law or any terms and conditions set forth in this Consent Agreement, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

33. This Consent Agreement, upon incorporation into a final order and full satisfaction by the parties, shall resolve the Respondent's liability for federal civil penalties for the violations and facts alleged in this Consent Agreement.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8**  
Complainant.

Date: \_\_\_\_\_

9/25/18



Suzanne J. Bohan  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

**THE ROCKY MOUNTAIN CONFERENCE OF  
SEVENTH-DAY ADVENTISTS**  
Respondent.

Date: \_\_\_\_\_

9/20/18

  
Authorized Representative of Respondent



**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT and FINAL ORDER** in the matter of **THE ROCKY MOUNTAIN CONFERENCE OF SEVENTH-DAY ADVENTISTS; DOCKET NO.: SDWA-08-2018-0036**, was filed with the Regional Hearing Clerk on September 26, 2018.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on September 26, 2018, to:

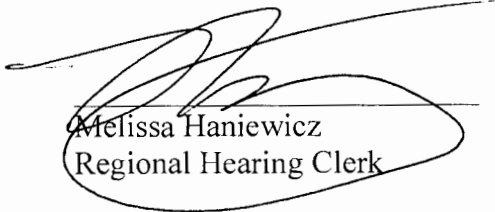
Respondent

Weldon Treat, Registered Agent  
The Rocky Mountain Conference of Seventh-Day Adventists  
PO Box 51915  
Casper, Wyoming 82601

And emailed to:

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

September 26, 2018

  
Melissa Haniewicz  
Regional Hearing Clerk

