



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG 08 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Article Number: 7005 3110 0000 5933 9220

Joel Kling, Manager  
Emerald Beach Resort II  
c/o De Lyrot Holding/Best Western, Inc.  
8070 Lindbergh Bay  
St. Thomas, VI 00802

Re: In the Matter of: Emerald Beach Resort II Public Water System  
Complaint for Penalty (Docket No. SDWA-02-2014-8403)

Dear Mr. Kling:

Enclosed you will find a Complaint which the U.S. Environmental Protection Agency ("EPA" or "Agency"), the Complainant, is issuing to Emerald Beach Resort II, c/o De Lyrot Holding/Best Western, Inc. (the "Respondent") as a result of our determination that the Emerald Beach Resort I public water system failed to comply with the requirements of the Stage 1 Disinfectants and Disinfection Byproducts Rule ("Stage 1 DBPR") under the Safe Drinking Water Act ("SDWA"), as implemented by EPA's regulations at 40 C.F.R. Part 141, Subpart L, and failed to comply with the Administrative Order ("AO") (Docket No. SDWA-02-2012-8083) issued by the EPA on May 4, 2012. The Complainant requests that a penalty of **\$6,000** be assessed against this public water system for these violations.

As the Respondent, you have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint.

Enclosed is a copy of the "Consolidated Rules of Practice" ("CROP") (40 C.F.R. Part 22) which the EPA follows in cases of this kind. Please note the requirements for an Answer at §22.15 of the CROP. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint with the EPA Regional Hearing Clerk at the following address:**

**Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway - 16<sup>th</sup> Floor  
New York, NY 10007-1866**

**You must also send a copy of your Answer to:**

U.S. Environmental  
Protection Agency-Reg 2  
2014 AUG 11 AM 8:22  
REGIONAL HEARING  
CLERK

**Tim Murphy, Esq.**  
**Office of Regional Counsel**  
**U.S. Environmental Protection Agency, Region 2**  
**290 Broadway - 16<sup>th</sup> Floor**  
**New York, NY 10007-1866**

If you do not file an Answer within thirty (30) days of receipt of the Complaint, you may be judged to have defaulted (See §22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed.

You may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or affect what you may choose to say in the Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearings held in this matter will be conducted in accordance with the CROP, including Subpart I thereof, unless, in your Answer, you request a hearing on the record in accordance with section 554 of the APA, in which case Subpart I of the CROP will not apply.

Offer of Settlement

In an effort to promptly settle this matter, enclosed for your consideration is a proposed Consent Agreement and Final Order ("CA/FO"). The Agency would be prepared to enter into the enclosed CA/FO provided the Respondent:


1. Executes and returns the CA/FO within thirty (30) days of receipt of the Complaint,
2. Completes the required monitoring in accordance with the \*Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) in August 2014, and submits the results to EPA and the Virgin Islands Department of Planning and Natural Resources ("VIDPNR") by September 10, 2014 (\*Stage 1 DBPR has been replaced by Stage 2 DBPR);
3. Complies with all public notice requirements specified in 40 C.F.R. Part 141, Subpart Q within thirty (30) days of receipt of the Complaint, and submits a copy of the public notice and certification that public notice was completed to EPA and VIDPNR within forty-five (45) days of the receipt of the Complaint; and
4. Pays a penalty of **\$4,000** within thirty (30) days of the effective date of the CA/FO.

**If you wish to resolve this matter without further proceedings, please sign the enclosed CA/FO and return it to EPA within thirty (30) days of your receipt of this letter. Do not submit payment to EPA until after you receive an executed CA/FO.**

If EPA does not receive the CA/FO, signed by you or your authorized representative, within the thirty (30) day period referenced in the above paragraph, then the Agency's offer of settlement is effectively withdrawn and EPA may thereafter seek the full amount of the penalty proposed in the Complaint.

EPA urges your prompt attention to this matter. If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact Tim Murphy, Esq., Assistant Regional Counsel, at (212) 637-3236.

Sincerely,



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosures

1. Complaint
2. Consolidated Rules of Practice
3. Proposed Consent Agreement and Final Order
4. Administrative Order (Docket No. SDWA-02-2012-8083)

cc: Karen Maples, EPA Regional Hearing Clerk (w/Complaint and CA/FO)  
Harold Mark, VIDPNR

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. Environmental  
Protection Agency-Reg 2  
2014 AUG 11 AM 8:21  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

Emerald Beach Resort II  
c/o De Lyrot Holding/Best Western, Inc.  
8070 Lindbergh Bay  
St. Thomas, VI 00802  
PWS ID: VI1000084

Respondent

Proceeding Pursuant to §1414(g)(3)(B) of the Safe  
Drinking Water Act, 42 U.S.C. §300g-3(g)(3)(B)

Proceeding to Assess Civil  
Penalty Under Section 1414(g)(3)(B)  
of the  
Safe Drinking Water Act

Docket No.  
SDWA-02-2014-8403

COMPLAINT,  
FINDINGS OF VIOLATION, NOTICE OF PROPOSED ASSESSMENT OF A CIVIL PENALTY  
AND NOTICE OF OPPORTUNITY TO REQUEST A HEARING

I. Statutory Authority

1. This Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g)(3)(B) of the Safe Drinking Water Act ("SDWA" or "Act"), 42 U.S.C. §300g-3(g)(3)(B) and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of EPA Region 2 ("Complainant").
2. Pursuant to Section 1414(g)(3)(B) of the Act, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that a civil penalty be assessed against the Emerald Beach Resort II. c/o De Lyrot Holding/Best Western, Inc. ("Respondent") for the violation of an administrative order issued pursuant to Section 1414(g) of the SDWA requiring compliance with an applicable requirement of the Act at its public water system (Emerald Beach Resort II public water system), located at 8070 Lindbergh Bay, St. Thomas, United States Virgin Islands 00802.

## II. Findings of Violation

1. Respondent owns and/or operates the Emerald Beach Resort II “public water system,” within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in St. Thomas, United States Virgin Islands.
2. Respondent is a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2.
3. Respondent is a “person” as defined in Section 1401(12) of SDWA, 42 U.S.C. §300f(12), and 40 C.F.R. §141.2, and is subject to an Administrative Order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(g)(1).
4. Respondent provides piped water for human consumption and regularly serves a population of at least 25 individuals for over 6 months per year, and is, therefore, a “non-transient non-community water system” as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15) and 40 C.F.R. §141.2.
5. Respondent adds a chemical disinfectant(s) to its water as part of the drinking water treatment process.
6. On December 16, 1998, EPA promulgated the Stage 1 Disinfectants and Disinfection Byproducts Rule (“Stage 1 DBPR”), 40 C.F.R. Part 141, Subpart L. The Stage 1 DBPR was promulgated with the intention of protecting public health from exposure to potentially harmful disinfection byproducts. The Stage 1 DBPR established criteria under which community water systems and non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet maximum contaminant levels (“MCL”) for disinfection byproducts, 40 C.F.R. §141.64, and maximum residual disinfectant levels, 40 C.F.R. §141.65, and must meet the treatment technique requirements for the control of disinfection byproduct precursors listed in 40 C.F.R. §141.135.
7. The Virgin Islands Department of Planning and Natural Resources (“VIDPNR”) administers the Public Water Supply Supervision Program in the U.S. Virgin Islands pursuant to Section 1413 of the SDWA. The approval of primary enforcement authority from EPA to the VIDPNR was effective as of September 22, 1979. However, on August 1, 2011, VIDPNR referred Emerald Beach Resort II public water system to the USEPA for appropriate action.
8. Respondent utilizes a surface water source and serves fewer than 10,000 persons or utilizes a ground water source and, therefore, was required to comply with 40 C.F.R. Part 141 Subpart L (“Stage 1 DBPR”) beginning January 1, 2004.
9. Pursuant to 40 C.F.R. §141.132(b)(1), Respondent is required to monitor for total trihalomethanes (“TTHM”) and five haloacetic acids (“HAA5”). Specifically, the Respondent must collect one water sample per year per treatment plant at the point of maximum residence time during the month of warmest water temperature.

10. Pursuant to 40 C.F.R. §141.133(b)(i), Respondent is required to demonstrate compliance with the MCLs listed in 40 C.F.R. §14.64 for TTHM and HAA5. If the sample collected (or average of samples collected if more than one is taken), pursuant to 40 C.F.R. §141.132(b)(1), exceeds the MCL for TTHM (0.080 mg/l) or HAA5 (0.060 mg/l), Respondent is required to increase TTHM and HAA5 monitoring frequency to quarterly and must continue to monitor quarterly for TTHM and HAA5 until the average of four quarters is  $\leq 0.060$  mg/l for TTHM and  $\leq 0.045$  mg/l for HAA5.
11. Pursuant to 40 C.F.R. §141.134, systems monitoring annually are required to report to the State within ten (10) days after the end of the monitoring period (i.e. January 10). Systems required to sample quarterly or more frequently must report to the State within ten (10) days following the end of each calendar quarter (i.e. January 10, April 10, July 10, and October 10). The information that must be reported includes the location, date and result of each sample taken during the monitoring period.
12. Based on information provided by VIDPNR, Respondent exceeded the MCL for TTHM during the 2010 monitoring period and did not increase monitoring.
13. On May 4, 2012, EPA issued an Administrative Order, Docket Number SDWA-02-2012-8083, requiring Respondent to conduct four quarters of monitoring for TTHM and HAA5 in accordance with 40 C.F.R. §141.132(b)(1) beginning in the 3<sup>rd</sup> quarter of 2012. Additionally, the AO required Respondent to comply with all public notice requirements specified in 40 C.F.R. Part 141, Subpart Q within thirty (30) days of receipt of the Order, and to submit a copy of the public notice and certification that public notice was completed to EPA and VIDPNR within forty-five (45) days of receipt of the Order.
14. According to EPA's records in the form of the certified mail return receipt (Article Number 7005 3110 0000 5954 8462), the AO was received by Respondent on May 11, 2012.
15. On May 28, 2013, VIDPNR provided information to EPA indicating Respondent collected one quarterly sample in July 2012, however, Respondent failed to conduct four consecutive quarters of monitoring in violation of 40 C.F.R. §§141.132(b)(1), 141.133(b)(i) and 141.134.
16. Based on information available to EPA, Respondent did not demonstrate compliance with the requirements specified in 40 C.F.R. §141.133(b)(ii) and §141.64 during the 2012-2013 monitoring period.
17. In addition, Respondent did not comply with the public notice requirements specified in 40 C.F.R. Part 141, Subpart Q.

### **COUNT 1**

18. Pursuant to 40 C.F.R. §141.132(b)(1), Respondent was required to collect one TTHM sample and one HAA5 sample per year per treatment plant at the point of maximum residence time during the month of warmest water temperature and report the results of this monitoring to the State within 10 days after the end of each monitoring period.

19. Pursuant to Paragraph III.3 of the AO, Respondent was required to conduct monitoring for TTHM and HAA5 during the month of July 2012, in accordance with 40 C.F.R. §141.132(b)(1), and report the results of this monitoring to EPA and VIDPNR by October 10, 2012 (10 days following the end of the quarter).
20. Respondent failed to demonstrate compliance with the requirements of 141.132(b)(1) by the dates specified in Paragraph III.3 of the AO, and is, therefore, in violation of the AO.

### **COUNT 2**

21. Pursuant to 40 C.F.R. §141.133, Respondent is required to demonstrate compliance with the MCLs in 40 C.F.R. §141.64 for TTHM and HAA5. For PWSs on annual monitoring, such as Respondent, compliance is demonstrated if the annual sample collected does not exceed the MCLs in 40 C.F.R. §141.64. If the annual sample exceeds the MCL, Respondent is required to increase monitoring frequency to once per quarter for one year of quarterly monitoring and compliance is based on an average of four quarterly samples and Respondent must continue quarterly monitoring until the average of four quarters demonstrate compliance with the MCLs for TTHM and HAA5.
22. Pursuant to §141.133(b)(iv), if a PWS fails to complete four consecutive quarter of monitoring, compliance with the MCL for the period is based on an average of available data.
23. Pursuant to Paragraph III.3 and III.4 of the AO, Respondent was required to continue to monitor quarterly for TTHMs and HAA5s until the average of four quarters demonstrated compliance with the MCLs for TTHMs and HAA5s.
24. Respondent failed to demonstrate compliance with the requirements of §§141.133 and 141.64 as specified in Paragraph III.3 and III.4 of the AO, and is, therefore, in violation of the AO.

### **COUNT 3**

25. Pursuant to 40 C.F.R. Part 141, Subpart Q, Respondent is required to give notice to persons served by the public water system for violations of the Stage 1 DBPR.
26. Pursuant to Paragraphs III.1 and III.2 of the AO, Respondent was required to comply with the public notice requirements specified in 40 C.F.R. Part 141, Subpart Q and mail a copy of the public notice and certification of the notice to EPA and VIDPNR.
27. Respondent failed to demonstrate compliance with the requirements of 40 C.F.R. Part 141, Subpart Q by the dates specified in Paragraphs III.1 and III.2 of the AO, and is, therefore, in violation of the AO.

### **III. Notice of Proposed Order Assessing a Civil Penalty**

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 1414(g)(3)(b) of the Act, 42 U.S.C. §300g-3(g)(3)(B), EPA, Region 2 hereby proposes to issue a Final

Order Assessing Administrative Penalties ("Final Order") to Respondent assessing a penalty of **Six Thousand Dollars (\$6,000.00)**. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 1414(b) of the Act, 42 U.S.C. §300g-3(g)(b). EPA has taken into account the seriousness of the violation(s), the population at risk and other appropriate factors, in light of information currently available to it.

#### IV. Procedures Governing This Administrative Litigation

The rules of procedure governing this civil administrative litigation have been set forth in 40 C.F.R. Part 22. This proceeding will be conducted in accordance with the CROP, including Subpart I thereof; unless, in your Answer, you request a hearing on the record in accordance with Section 554 of the Administrative Procedures Act, 5 U.S.C. §554, in which case Subpart I shall not apply.

##### A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. §22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action, 40 C.F.R. §22.15(a).

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. 40 C.F.R. §22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. §22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a hearing. 40 C.F.R. §22.15(b).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.



## B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. §22.15(c). If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. §22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. §22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. §22.21(d). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

## C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. §22.15(d). If Respondent fails to file a timely [i.e. in accordance with the 30-day period set forth in 40 C.F.R. §22.15(a)] Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. §22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. §22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. §22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. §22.27(c). 40 C.F.R. §22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

## V. Informal Settlement Conference

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. §22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if

Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. §22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Tim Murphy, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866  
(212) 637-3230

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. 40 C.F.R. §22.18(b)(1). Respondent's requesting a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. §22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. §22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. §22.18(b)(2). In accepting the Consent Agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. §22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. §22.18(b)(3).

Respondent's entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in such Consent Agreement terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

#### VI. Resolution of this Proceeding Without Hearing or Conference

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. §22.18(a). A copy of the check or other instrument of payment should be provided

to the EPA Assistant Regional Counsel identified on the previous page. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this complaint to the following addressee:

Regional Hearing Clerk  
U. S. Environmental Protection Agency, Region 2  
P.O. Box 360188M  
Pittsburgh, Pennsylvania 15251

Pursuant to 40 C.F.R. §22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 C.F.R. §22.18(a)(3). In accordance with 40 C.F.R. §22.45(c)(3), no Final Order shall issue until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. §22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

#### VII. Filing of Documents

1. The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
290 Broadway - 16th Floor  
New York, New York 10007-1866

2. A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

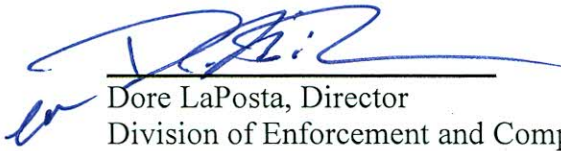
Tim Murphy, Esq., Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866  
(212) 637-3230

#### VIII. General Provisions

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.

2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B), will affect Respondent's continuing obligation to comply with the Act, and with regulations promulgated thereunder.

ISSUED THIS 7<sup>th</sup> DAY OF August 2014.



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance  
United States Environmental Protection Agency – Region 2  
290 Broadway  
New York, New York 10007-1866

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

Emerald Beach Resort II  
c/o De Lyrot Holding/Best Western, Inc.  
8070 Lindbergh Bay  
St. Thomas, VI 00802  
PWS ID: VI1000084

Respondent

Proceeding Pursuant to §1414(g)(3)(B) of the Safe  
Drinking Water Act, 42 U.S.C. §300g-3(g)(3)(B)

Proceeding to Assess Civil  
Penalty Under Section 1414(g)(3)(B)  
of the  
Safe Drinking Water Act

Docket No.  
SDWA-02-2014-8403

**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," (40 C.F.R. Part 22) to the following person at the address listed below:

JOEL KLING  
Manager  
Emerald Beach Resort II  
8070 Lindbergh Bay  
St. Thomas, VI 00802

I sent by inter-office mail the original and a copy of the foregoing Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date:

8/8/14

*for Marie St. Germain*  
Stephanie Sessoms-Midgett  
New York, New York