

Safe Drinking Water Act Enforcement: U.S. Environmental Protection Agency and Goshen, New York Facility Enter into Consent Agreement and Final Order



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The United States Environmental Protection Agency ("EPA") and Hearthstone Manner ("HM") entered into a July 19th Consent Agreement and Final Order ("CAFO") addressing alleged violations of the Safe Drinking Water Act ("SDWA"). See Docket No. SDWA-02-2019-8402.

HM is stated to have a service line connection to the Village of Florida's water system and serve a population of at least 25 individuals year-round at its buildings complex.

EPA is stated to deem HM a Safe Drinking Water Community Water System ("CWS") as defined by Section 1401(15) of the statute. However, HM objects to EPA's determination.

EPA is stated to further allege that HM is a public water system, supplier of water, and person pursuant to those terms under the SDWA. However, HM denies and disputes such determinations.

EPA issued an Administrative Order on November 29, 2017, requiring HM to, among other things, submit a corrective action plan to come into compliance with certain SDWA requirements. HM is stated to have submitted various requests for extension of time to satisfy the compliance requirements and indicates that the delay was caused by circumstances outside of its control, likely caused by the Village of Florida or County of Orange, that was compounded by the Village of Florida replacing its attorney, engineer, and Mayor on April 2, 2018.

HM submitted a corrective action plan to EPA via electronic mail on May 2, 2019.

HM protests the submission of the plan to EPA for the following alleged reasons:

- Any parameter exceedances reported had been caused by parties other than Respondent;
- Respondent's role was limited to only distributing in its complex the water that had been delivered to Hearthstone from the Village of Florida public water supply; and,
- That the EPA commenced this proceeding for a condition existing in the Village of Florida waters system, not contributed to by Hearthstone.

EPA has determined that the compliance requirements of the previously referenced Administrative Order have been satisfied and is now closed and superseded by the CAFO. Further HM alleges it has submitted a corrective action plan to satisfy EPA requirements to resolve the Administrative Order but reserves the

right to further investigate whether the performance or compliance with that plan is appropriate and, depending on the outcome of such investigation, to coordinate with EPA on whether the plan requires modification.

HM neither admits nor denies the factual allegations contained in the CAFO.

A civil penalty of \$500 is assessed.

A copy of the CAFO can be downloaded [here](#).