
UNITED STATES DISTRICT COURT
District of Kansas
(Wichita Docket)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 18-CR-10136-JWB

ARTHUR WOLFE,

Defendant.

INDICTMENT

THE GRAND JURY CHARGES:

Introduction

Safe Drinking Water Act, City of Garden Plain Public Water System

1. At all times relevant to this Indictment, the Federal Safe Drinking Water Act of 1974 (the Act) 42 U.S.C. § 300f *et seq.*, required that the Environmental Protection Agency (EPA) ensure that public water systems properly monitor and test the quality of drinking water and distribute safe drinking water to consumers. At all times relevant to this Indictment and pursuant to the Act, EPA authorized the State of Kansas to promulgate and implement regulations and requirements necessary to administer and comply with the Act.

2. The City of Garden Plain, Kansas operates a public water system that provides drinking water to approximately 900 residents.

3. The public water system of Garden Plain regularly serves more than twenty-five year-round residents, and is therefore a “community water system.”

4. As the operator of a community water system, Garden Plain is required by federal law to conduct routine monitoring of the water provided to the residents of Garden Plain.

5. Under the implementing regulations, water that is supplied by the City of Garden Plain’s public water system must meet several parameters and standards and include the sampling of bacteriological contaminants including fecal coliform, and chlorine levels.

6. As part of its routine monitoring of its community water system, Garden Plain is required to obtain a minimum of two samples per month for testing.

7. After the water samples have been tested, the City of Garden Plain is required to submit a *Bacteriological Summary Report* to the Kansas Department of Health and the Environment, which has been authorized by the EPA to promulgate and implement regulations and requirements necessary to administer and comply with the Act.

8. The above identified *Bacteriological Summary Report* includes a certification by the Water System Agent of Garden Plain, Arthur Wolfe, that he “obtained samples taken from the City of Garden Plain distribution system” during the specified month, and that he did so in accordance with federal law.

9. At all times material hereto, Arthur Wolfe was the person responsible for collecting water samples from Garden Plain's community water system for testing, and who certified that these water samples were properly obtained.

COUNT ONE

**FALSE STATEMENT
(18 U.S.C. § 1001)**

On or about December 22, 2017, in the District of Kansas, the defendant,

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within a matter within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make a false writing and document knowing the same to contain a materially false, fictitious and fraudulent statement and entry, to wit; the defendant signed a *Bacteriological Summary Report* affirming that the water samples taken for said report had been obtained as prescribed by federal law, specifically from 253 Mary Avenue and 109 Hibiscus in Garden Plain, Kansas, when in fact, the defendant had obtained the water samples from one location, 411 Loomis, in violation of federal law.

The above being in violation of Title 18, United States Code, Sections 1001 and 2.

COUNT TWO

**FALSE STATEMENT
(18 U.S.C. § 1001)**

On or about February 6, 2018, in the District of Kansas, the defendant,

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within a matter within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make a false writing and document knowing the same to contain a materially false, fictitious and fraudulent statement and entry, to wit; the defendant signed a *Bacteriological Summary Report* affirming that the water samples taken for said report had been obtained as prescribed by federal law, specifically from 309 Dold Drive and 425 Loomis in Garden Plain, Kansas, when in fact, the defendant had obtained the water samples from one location, 411 Loomis, in violation of federal law.

The above being in violation of Title 18, United States Code, Sections 1001 and 2.

A TRUE BILL.

October 10, 2018 _____
DATE

s/Foreperson _____
FOREPERSON OF THE GRAND JURY

s/Stephen R. McAllister _____
STEPHEN R. McALLISTER,
Ks. S. Ct. No. 15845
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District of Kansas
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It is requested that the trial be held in Wichita, KS