



REGION 8  
DENVER, CO 80202

December 7, 2023

FILED

Dec 07, 2023

2:55 pm

U.S. EPA REGION 8  
HEARING CLERK

Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL DELIVERY RECEIPT REQUESTED

Cottonwood Homeowners Association  
c/o Gary Gerhard, President  
Cottonwood Acres Public Water System  
gag777758@gmail.com

Subj: Administrative Order issued to Cottonwood Homeowners Association and Tom Denniston regarding Cottonwood Acres Public Water System, PWS ID #WY5601233, Docket No. SDWA-08-2024-0008

Dear Mr. Gerhard:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Cottonwood Homeowners Association and Gary Gerhard, President (Respondents), that own and operate the Cottonwood Acres Public Water System (System), have violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141).

Please note that EPA's records indicate the System has exceeded the maximum contaminant level (MCL) for nitrate. Nitrate is an acute contaminant which, amongst other serious health risks, can be lethal for infants 6 months old and younger. *The Order requires compliance with the nitrate MCL no later than one year of the issuance date, however, EPA urges you to take expeditious action to reduce the nitrates exposure at the System as soon as possible.*

The Order is effective upon the date received. If Respondents comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$67,544 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

Please be aware that Respondents are required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of Respondents schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Respondents to contact any such governmental agency or agencies regarding any applicable approval requirements. Changes to the System may require a permit from the Wyoming Department of Environmental Quality (WY DEQ). The contact person at WY DEQ for your region is Dennis Lewis. He can be reached at 307-777-7088 or [dennis.lewis@wyo.gov](mailto:dennis.lewis@wyo.gov).

Respondents are required to notify the public quarterly by completing a public notice (PN) until the nitrate MCL violation is resolved. Please submit a copy of the completed PN and a certification of its completion (template information is found in the attached Order) to the EPA each quarter.

If Respondents have any questions or to discuss this Order with the EPA, please contact Chris Brown via email at [brown.christopher.t@epa.gov](mailto:brown.christopher.t@epa.gov), or by phone at (800) 227-8917, extension 6669, or (303) 312-6669. Any questions from Respondents attorney should be directed to Peggy Livingston, Regional Counsel, via email at [peggy.livingston@epa.gov](mailto:peggy.livingston@epa.gov) or by phone at (800) 227-8917, extension 6858, or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

Colleen Rathbone, Manager  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)  
Goshen County Commissioners ([crupp@goshencounty.org](mailto:crupp@goshencounty.org))  
EPA Regional Hearing Clerk ([r8\\_hearing\\_clerk@epa.gov](mailto:r8_hearing_clerk@epa.gov))  
John Kinberg, Chief Operator  
Tom Feeser, Contract Operator  
Dennis Lewis, WY DEQ District Engineer ([dennis.lewis@wyo.gov](mailto:dennis.lewis@wyo.gov))  
Lily Barkau, WY DEQ, Groundwater Section Manager ([lily.barkau@wyo.gov](mailto:lily.barkau@wyo.gov))