



REGION 8

DENVER, CO 80202

April 25, 2024

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4/25/2024

4:07 PM

U.S. EPA REGION 8
HEARING CLERK

Ref: 8ECA-W-S

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Ned Hurley, Owner
Pub Place Public Water System
nedhurley@yahoo.com

Subj: Administrative Order Issued to Fire Island Holdings, Inc. Regarding Pub Place
Public Water System, PWS ID #WY5601258
Docket No. SDWA-08-2024-0026

Dear Mr. Hurley:

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 Fire Island Holdings, Inc., (Respondent), as owner and/or operator of the Pub Place Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141).

The 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 six 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 Respondent complies 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 \$69,733 (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

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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 Respondent is required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of Respondent's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Respondent 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 Bradley Ellis. He can be reached at 307-473-3469 or bradley.ellis@wyo.gov.

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

If you have any questions or wish to discuss this Order with the EPA, please contact Christina Carballal via email at carballal-broome.christina@epa.gov, or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from your attorney should be directed to Noah Stanton, Assistant Regional Counsel, via email at stanton.noah@epa.gov or by phone at (800) 227-8917, extension 6163, or (303) 312-6163.

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)
Teton County Commissioners (mnewcomb@tetonwyo.org)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Triinu Hansen, Property Manager (triinujenas@gmail.com)
Bradley Ellis, WY DEQ District Engineer (bradley.ellis@wyo.gov)
Lily Barkau, WY DEQ, Natural Resources Program Manager (lily.barkau@wyo.gov)