



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SEP 19 2011

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
Diane Humphrey, Chair  
310 W 19<sup>th</sup> Street, Suite 300  
County Courthouse  
Cheyenne, WY 82001-4449

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Evergreen Properties LLC  
Public Water System  
PWS ID #WY5600021

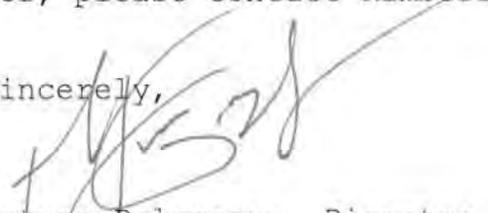
Dear County Commissioners:

The Safe Drinking Water Act requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order to Evergreen Properties LLC directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failure to report the analytical results for volatile organic contaminants, synthetic organic contaminants, and disinfection byproducts to EPA, failure to monitor for total coliform, failure to notify the public of these violations and failure to report these violations to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,

  
Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure:  
Administrative Order



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RETURN RECEIPT REQUESTED

Richard C Slater, Registered Agent  
Evergreen Properties LLC  
31685 N. Sunflower Way  
Queen Creek, AZ 85143

Gale Medlin, Owner  
Evergreen Properties  
31685 N. Sunflower Way  
Queen Creek, AZ 85143

Re: Administrative Order  
Evergreen Properties  
Public Water System  
Docket No. **SDWA-08-2011-0073**  
PWS ID #WY5600021

Dear Mr. Slater and Mr. Medlin:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of § 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that Evergreen Properties LLC (the Company) has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Company complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

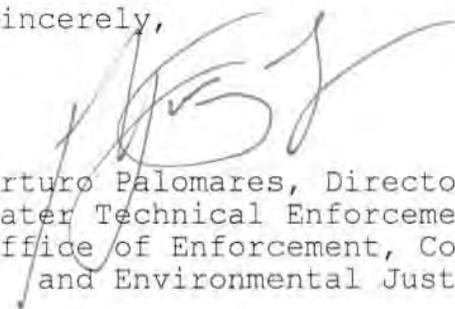
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or

(303) 312-6983. Any questions from the Company's attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Order  
Public notice  
SBREFA Information Sheet

cc:

WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk  
Richard C Slater, Registered Agent



8. Respondent is required to monitor the System's water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondent is required to report analytical results to EPA within the first 10 days following the month in which each sample result is received, as required by 40 C.F.R. § 141.31(a). Respondent monitored the system's water for volatile organic contaminants on August 25, 2010, however failed to submit the sample data to EPA until September 6, 2011, and, therefore, violated this requirement.

9. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples at least once every 3 years. 40 C.F.R. § 141.132(b)(1)(ii). Respondent is required to submit monitoring results for TTHM and HAA5 to EPA within 10 days after the end of the quarter in which samples are collected. 40 C.F.R. § 141.134. Respondent monitored the system's water for TTHM and HAA5 on August 25, 2010, however, failed to submit the sample data to EPA until September 6, 2011, and, therefore, violated this requirement.

10. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least 5 routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on July 14, 2009, Respondent failed to take at least 5 routine samples of the System's water in August 2009 and, therefore, violated this requirement.

11. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraph 10, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 10, above, to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 7 through 9 and 11, above, to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period, as stipulated by EPA, whichever is earlier. 40 C.F.R. § 141.31(a).

15. If any routine sample for the system is positive for total coliform, Respondent shall collect at least 5 routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g) (2).

16. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 10, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

17. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring. 40 C.F.R. § 141.31(b).

18. Respondent shall direct all reporting required by this Order to:

U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

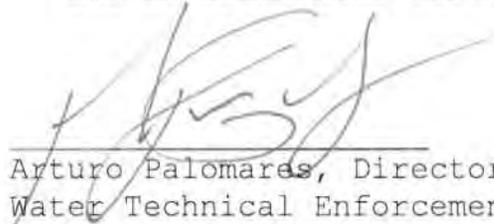
19. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

20. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: September 19, 2011.



Matthew Cohn, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice