

EPA Region 8 – Significant Deficiency Correction Notice

FILED
 6/24/2024
 5:05 PM
 U.S. EPA REGION 8
 HEARING CLERK

Public Water System Name Stone Creek HOA
 Public Water System ID# WY5601586
 Public Water System Source Type: (circle one) Groundwater Surface Water Mixed

Instructions:

Please use this form to report the correction of sanitary survey significant deficiencies identified during your last sanitary survey. List the individual significant deficiencies and the date of correction below. Pictures of corrections or a brief description of each correction is required. Label all pictures and correlate them to a specific significant deficiency. Include the name of the facility (e.g., well name and number, tank name and number, treatment plant, etc.) if applicable, and the correction date on any documentation you provide.

If a WY DEQ permit was required to make any of the significant deficiency corrections, please include the permit number on the specific correction line below.

Facility	Significant Deficiency	Date Corrected	Photos? [] Yes [] NA	WYDEQ Permit #
Distribution System	Administrative Order Nitrate Maximum Contaminant Violation	5/16/2024	Yes	2021-353

I certify that the information submitted with this report is true and accurate.

SCOTT R. KRUSTIA
 Print Name

[Signature]
 Signature

6/24/24
 Date

Corrections described on attached Significant Deficiency Letter N/A
 Supportive Documentation Attached: Administrative order, Complaint and Notice of Opportunity for Hearing

For groundwater systems submit to: Langenfeld.Matthew@epa.gov and to RSDWU@epa.gov
 For surface water systems submit to: Crosby.Jake@epa.gov and to RSDWU@epa.gov
 Or Fax to: 1-877-876-9101

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)		
)	Docket No. SDWA-08-2020-0034	July 22, 2020
Stone Creek Homeowners Association)		2:30 PM
and Scott Prusia)		Received by
)	ADMINISTRATIVE ORDER	EPA Region VIII
Respondents)		Hearing Clerk
)		
Stone Creek Homeowners Association)		
Public Water System)		
<u>PWS ID #WY5601586</u>)		

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Scott Prusia and the Stone Creek Homeowners Association (Respondents) are an individual and an association, respectively, that own and/or operate the Stone Creek Homeowners Association Public Water System (System), which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 3 wells. The water is untreated.
4. The System has approximately 38 service connections used by year-round residents and/or regularly serves an average of approximately 91 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondents are a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).

VIOLATIONS

6. The maximum contaminant level (MCL) for nitrate is 10 milligrams per liter (mg/L), with compliance to be based on the average of an initial and a confirmation sample. 40 C.F.R. §§ 141.23(f)(2), (f)(3) and 141.62(b). The initial sample, taken at SP01 on July 6, 2020, was 10.6 mg/L, and the confirmation sample, taken at the same location on July 16, 2020, was 10.4 mg/L. The average of the initial sample and the confirmation sample is 10.5 mg/L, and therefore, Respondents violated the nitrate MCL.

ORDER

Respondents are ordered to perform the following actions upon Respondents’ receipt of this Order (unless a different deadline is specified below):

7. Within 24 hours after receipt of this Order, Respondents shall notify the public of the violation cited in paragraph 6, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the certification and notice to the EPA. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. Part 141, Subpart Q.

8. Respondents shall notify the public quarterly beginning on October 1, 2020 by completing a public notice (PN) until the nitrate MCL violation is resolved. Respondents shall submit a copy of the completed PN and appropriate certification 10 calendar days after the PN was provided. 40 C.F.R. §§ 141.31(d) and 141.201(c)(3).

9. Within 30 calendar days after receipt of this Order, Respondents shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the nitrate MCL as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondents shall not begin construction or modifications to the System before the EPA has approved Respondents' Schedule.

- a. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
- b. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondents shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the nitrate MCL. Each quarterly report is due by the 10th calendar day of the month following the relevant calendar quarters (e.g., April 10 for the first calendar quarter).
- c. Within 10 calendar days after completing all tasks included in the Schedule, Respondents shall notify the EPA of the project's completion.

10. The System shall achieve compliance with the nitrate MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondents' plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

11. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondents shall report the violation to the EPA within that different period.

12. If the population or number of connections served by the System falls below 25 individuals or 15 service connections, Respondents shall notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

13. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents shall remain obligated to comply with this Order.

14. Respondents shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
Hicks.nathaniel@epa.gov

GENERAL PROVISIONS

15. This Order shall be binding on Respondents, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

16. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

17. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

18. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: July 22, 2020.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

May 29, 2024

Ref: R08-ORC-LEB-RES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7009 3410 0000 2601 2739

Scott Prusia
51 Sandy Court
Torrington, Wyoming 82240

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7009 3410 0000 2601 2746

Scott Prusia, President
Stone Creek Homeowners Association
51 Sandy Court
Torrington, Wyoming 82240

Re: Complaint and Notice of Opportunity for Hearing
Docket No. SDWA-08-2024-0031

Dear Mr. Prusia:

Enclosed is an administrative Complaint and Notice of Opportunity for Hearing (Complaint) filed against you and the Stone Creek Homeowners Association (together, referring to in this letter as "you") under section 1414(g)(3) of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3(g)(3). The United States Environmental Protection Agency (EPA) alleges in the Complaint that you failed to comply with an administrative order issued by the EPA on July 22, 2020.

By law, you have the right to request a hearing regarding the matters set forth in the Complaint. If you do not file an answer to the Complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In its answer you may request a hearing. You have the right to be represented by an attorney at any stage of these proceedings.



Printed on Recycled Paper

The EPA encourages all parties against whom it files any complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Administrator or Regional Judicial Officer, EPA Region 8. If you sign a consent agreement that is finalized by a final order, You will waive its right to request a hearing on any matter to which it has stipulated in that agreement.

Whether or not you request a hearing, you may confer informally with the EPA concerning the alleged violations and/or the amount of the proposed penalty. However, an informal settlement conference does **not** substitute for filing a written answer and requesting a hearing. A request for an informal conference also does not extend the 30-day period during which you must submit a written answer and a request for a hearing. You may pursue settlement and have informal conferences with the EPA even you are also litigating the case.

For any questions specific to the violations or penalty, please contact Christina Carballal-Broome, Environmental Protection Specialist, who can be reached at Carballal-Broome.Christina@epa.gov or 303-312-6046. If you are represented by an attorney who has questions, please contact me at Livingston.peggy@epa.gov or 303-312-6858.

We urge your prompt attention to this matter.

Sincerely,

MARGARET
LIVINGSTON

Digitally signed by MARGARET
LIVINGSTON
Date: 2024.05.29 14:09:01 -06'00'

Margaret J. (Peggy) Livingston
Enforcement Attorney
Office of Regional Counsel

Enclosure

Complaint and Notice of Opportunity for Hearing
40 C.F.R. part 22
Standing Order from Katherin E. Hall

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

5/28/2024

1:56 PM

U.S. EPA REGION 8
HEARING CLERK

<p>IN THE MATTER OF:</p> <p>Stone Creek Homeowners Association and Scott Prusia, Respondents</p> <p>Stone Creek Homeowners Association (PWS ID# WY5601586)</p>	<p>Docket No. SDWA-08-2024-0031</p> <p>COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING</p>
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In this Complaint and Notice of Opportunity for Hearing (Complaint), the United States Environmental Protection Agency (EPA) proposes to assess a civil administrative penalty against Stone Creek Homeowners Association and Scott Prusia (Respondents).

JURISDICTIONAL ALLEGATIONS

1. This Complaint is issued under the authority vested in the Administrator of the EPA by section 1414(g)(3) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g)(3). The undersigned EPA official has been duly authorized to issue this complaint.
2. This proceeding is subject to the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, a copy of which is being provided to each Respondent with this Complaint.

GENERAL ALLEGATIONS

The following general allegations apply to each count of this Complaint:

3. Respondent Stone Creek Homeowners Association (HOA) is an association.
4. Respondent Scott Prusia is an individual.
5. Respondent Scott Prusia is the president of the HOA.
6. Each Respondent is a "person" as defined in section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
7. Respondents own and/or operate a system, the Stone Creek Homeowners Association public water supply system (the System), located in Goshen County, Wyoming.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

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8. The System provides water for human consumption to the public through pipes or other constructed conveyances.
9. The source of the System's water is ground water accessed via three wells. The water is untreated.
10. The System has approximately 38 service connections used by year-round residents.
11. The System regularly serves an average of approximately 91 year-round residents.
12. The System is a "public water system" and a "community water system" as these terms are defined in 40 C.F.R. § 141.2 and section 1401 of the SDWA, 42 U.S.C. § 300f.
13. As an owner and/or operator of a public water system, each Respondent is a "supplier of water" as defined in section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
14. Each Respondent is subject to 40 C.F.R. Part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs). Each NPDWR is an "applicable requirement" as defined in section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i).
15. Among other things, the NPDWRs include maximum contaminant levels (MCLs) for various contaminants in drinking water, including an MCL of 10 milligrams/liter (mg/l) for nitrate. 40 C.F.R. § 141.62(b).
16. The EPA has found that infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. 40 C.F.R. part 141, subpart Q, appendix B.
17. Compliance with the nitrate MCL is based on either (a) a single sample, if the result is below the MCL; or (b) an average of an initial sample and a confirmation sample, if the initial result is above the MCL. 40 C.F.R. § 141.23(f)(2), (f)(3), and (i)(3).
18. Because Wyoming has not sought primary authority for enforcing the public water supply supervision program, the EPA directly implements this program in Wyoming. Consequently, as provided by the definition of "state" in 40 C.F.R. § 141.2, the EPA is the "state" for purposes of applying the NPDWRs in Wyoming.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

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19. On July 22, 2020, in accordance with section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), the EPA issued an Administrative Order, Docket No. SDWA-08-2020-0034 (the Order) to Respondents, finding that Respondents had violated the MCL for nitrate. This finding was based on an initial sample and a confirmation sample taken at the same location on July 6 and 16, 2020, with levels of 10.4 and 10.6 mg/l, respectively, averaging 10.5, in excess of the MCL.
20. The Order directed Respondents, within 30 days of receiving the Order, to submit a plan and schedule for bringing the System into compliance with the nitrate MCL.
21. The Order also directed Respondents to submit quarterly reports to the EPA on the Respondents' progress in bringing the System into compliance with the nitrate MCL. Each quarterly report was to be submitted by the 10th calendar day of the month following the relevant calendar quarter (e.g., April 10th for the first calendar quarter).
22. On September 17, 2020, the EPA approved a schedule the Respondents had submitted in response to the Order. The schedule was incorporated into the Order, with each milestone and deadline specified in the EPA's approval letter as an enforceable provision of the Order.
23. Under the schedule referenced in paragraph 22, above, the final deadline for achieving and maintaining compliance with the nitrate MCL was October 30, 2020.
24. On February 4, 2021, the EPA notified Respondents they were in violation of the Order, because Respondents had failed to start the project described in the compliance schedule and thus had missed the interim deadlines in the EPA-approved schedule. The EPA's letter also noted that for the fourth quarter of 2020, the average of initial and confirmation sample levels for nitrate was 12.5 mg/l, indicating the Respondents had failed to bring the System into compliance with the 10 mg/l nitrate MCL.
25. On March 5, 2021, Respondents submitted a revised compliance schedule to the EPA, with various interim deadlines and a deadline of September 2021 for completion of the treatment project.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

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26. On June 24, 2021, the EPA approved the schedule referenced in paragraph 25, above, making the deadlines in the schedule enforceable provisions of the Order.
27. On November 15, 2021, the EPA issued an amendment to the Order (Amended Order). The Amended Order found that the Respondents had violated 40 C.F.R. § 141.23(f)(2) by failing to take a confirmation sample within 24 hours of being notified that a sample taken on August 31, 2021, had indicated a nitrate level of 12.1 mg/l.
28. The Amended Order directed the Respondents to submit a plan and schedule for bringing the System into compliance with the nitrate MCL.
29. The Amended Order directed Respondents to submit quarterly reports to the EPA on the Respondents' progress in bringing the System into compliance with the nitrate MCL. Each quarterly report was to be submitted by the 10th calendar day of the month following the relevant calendar quarter (e.g., April 10 for the first calendar quarter).
30. On December 2, 2021, Respondents submitted a revised plan and schedule to the EPA, under which the project completion deadline was to be September of 2022.
31. On February 3, 2022, the EPA approved the schedule referenced in paragraph 30, above.
32. On November 30, 2022, the EPA agreed to another extension of the project completion deadline, to April 30, 2023.
33. On May 24, 2023, the EPA asked representatives of the System for an update regarding the treatment system, noting that System representatives had previously indicated the system would be completed and operational by April 30, 2023.
34. On August 1, 2023, the EPA agreed to extend the final deadline under the Amended Order for the Respondent's treatment system to be installed and functioning. The new deadline was December 31, 2023.
35. For the third quarter of 2022 and the first and second quarters of 2023, the Respondents failed to submit timely progress reports to the EPA within 10 days following the end of the quarter.

36. Since the issuance of the Order, nitrate levels at the System have exceeded the MCL during all four quarters of 2021, the first two quarters of 2022, and the third quarter of 2023. For the remaining quarters (*i.e.*, the third and fourth quarters of 2022 and the first and second quarters of 2023), nitrate levels were at or close to the MCL (9.7 mg/l the third quarter of 2022, 10 mg/l the fourth quarter of 2022, 9.2 mg/l the first quarter of 2023, and 9.7 mg/l the second quarter of 2023). Reported results are as follows:

1Q 2021	12.2 mg/l
2Q 2021	11.7 mg/l
3Q 2021	12.3mg/l
4Q 2021	11.4 mg/l
1Q 2022	11.5 mg/l
2Q 2022	10.8 mg/l
3Q 2022	9.7 mg/l
4Q 2022	10 mg/l
1Q 2023	9.2 mg/l
2Q 2023	9.7 mg/l
3Q 2023	11 mg/l
4Q 2023	5 mg/l
1Q 2024	10 mg/l

VIOLATIONS

Count One

Failure to Meet Final Deadline under Amended Order

37. Although the EPA repeatedly extended the Respondents' deadline for installing a treatment system and putting it into operation, setting the ultimate deadline as December 31, 2023, Respondents failed to meet this deadline.
38. The Respondents' failure to meet the deadline referenced in paragraph 37, above, is a violation of paragraph 12.a of the Amended Order.

Count Two

Failure to Submit Timely Progress Reports

39. Each instance cited in paragraph 35, above, in which Respondents failed to provide a progress report to the EPA by the 10th day following the end of a calendar quarter is a violation of the paragraph 12.b of the Amended Order.

PROPOSED PENALTY

40. This Complaint proposes that the EPA assess an administrative penalty against Respondents. The EPA is authorized to assess an administrative civil penalty, according to section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), for violation of an administrative order issued under section 1414(g) of the SDWA. The amount of the administrative penalty may not exceed \$48,586 for violations occurring after November 2, 2015, where penalties are assessed on or after December 27, 2023. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.) See 88 Fed. Reg. 89309, 89312 (December 27, 2023).)
41. Taking into account the seriousness of the violations, the population at risk, and other appropriate factors, including Respondents' degree of willfulness and/or negligence, history of noncompliance, and ability to pay, as known to the EPA at this time, the EPA proposes to assess an administrative civil penalty of **\$3,000** against Respondents for Respondents' violations of the Order and the Amended Order, as described above.

ANSWER AND RIGHT TO REQUEST A HEARING

42. Each Respondent may file an answer to contest any material fact upon which this Complaint is based, contend that the proposed penalty is inappropriate, or contend that Respondents are entitled to judgment as a matter of law. The Respondents may file separate answers or file a joint answer applying to both Respondents.
43. Any such answer to the Complaint must be filed with the Regional Hearing Clerk within 30 days after service of this Complaint on the relevant Respondent. Note: For computing the number of days in a time period for purposes of 40 C.F.R. part 22, please see 40 C.F.R. § 22.7(a).

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

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44. Any answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which the relevant Respondent has any knowledge. The answer must state (1) any circumstances or arguments Respondent alleges to constitute grounds of defense, (2) any facts Respondent disputes, (3) whether and on what basis Respondent opposes the proposed penalty, and (4) whether Respondent requests a hearing.
45. Any Respondent's failure to admit, deny, or explain any factual allegation in its answer constitutes an admission of that allegation. If, however, a Respondent has no knowledge of a particular factual allegation and so states in its or his answer, that allegation will be deemed denied. For more details on the requirements for an answer, please see 40 C.F.R. § 22.15.
46. Even if a Respondent does not explicitly request a hearing in its or his answer, the Presiding Officer assigned to this case may hold such a hearing if the answer raises issues appropriate for adjudication. The procedures for any such hearing and for all proceedings in this action are set out in the 40 C.F.R. part 22.
47. Any hearing in this proceeding shall be in accordance with 40 C.F.R. §§ 22.50-22.52, i.e., 40 C.F.R. part 22, subpart I, unless a Respondent's answer requests a hearing on the record in accordance with 5 U.S.C. § 554. If a Respondent's answer does not request a hearing on the record in accordance 5 U.S.C. § 554, that Respondent will have waived the right to a hearing on the record, and any hearing will be held under 40 C.F.R. §§ 22.50-22.52.

INSTRUCTIONS FOR FILING ANSWER AND OTHER DOCUMENTS

48. The answer and any other document filed in this proceeding may be submitted by email, in accordance with the accompanying May 8, 2020, Standing Order by Regional Judicial Officer Katherin E. Hall. The email address for the Regional Hearing Clerk is R8_Hearing_Clerk@epa.gov. Filing may also be accomplished by U.S. mail or hand delivery to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, Colorado 80202-1129

49. Each Respondent must provide a copy of the answer and every other document filed in this proceeding to the EPA enforcement attorney named below. This can be accomplished via email, to livingston.peggy@epa.gov. It can also be accomplished by mail or hand delivery to the following:

Margaret J. (Peggy) Livingston, Enforcement Attorney
Legal Enforcement Program, 8ENF-L
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

FAILURE TO FILE AN ANSWER

50. If either Respondent does not file a written answer with the Regional Hearing Clerk at either the email or physical address specified above within thirty days after the date this Complaint is served on that Respondent, that Respondent may be subject to a default order requiring payment of the full penalty proposed in this Complaint, pursuant to 40 C.F.R. § 22.17.

QUICK RESOLUTION

51. Either or both Respondents may resolve this action at any time by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18(a)(1). If such payment is made within thirty days after the relevant Respondent receives this Complaint, neither Respondent need file an answer. Alternatively, as allowed by 40 C.F.R. § 22.18(a)(2), either or both Respondents may file a statement with the Regional Hearing Clerk within 30 days of receipt of this Complaint and may make the penalty payment within 60 days after Respondent receive this Complaint.
52. The payment shall be made in the amount stated in Paragraph 41, above. Payment shall be made by any method provided on the EPA website

<https://www.epa.gov/financial/makepayment> (and for additional instructions see:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>).

53. Concurrently or within 24 hours of making payment, the Respondent(s) making payment shall email copies of the record of payment to each of the following:

Christina Carballal-Broome, Environmental Engineer

U.S. Environmental Protection Agency, Region 8

Via electronic mail to: carballal-broome.christina@epa.gov

[Complainant designates this individual for service of proof of payment]

and

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 8

Via electronic mail to: R8_Hearing_Clerk@epa.gov.

and

U.S. Environmental Protection Agency

Cincinnati Finance Center

Via electronic mail to: CINWD_AcctsReceivable@epa.gov

[Include underscore between "CINWD" and "AcctsReceivable"]

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate payment has been made according to EPA requirements, in the amount due, and identified with the docket number that appears on the final order ratifying this Agreement and each Respondent's name.

54. The email transmitting the record of payment must include the case title and docket number of this proceeding (see the first page of this Complaint).
55. Payment of the penalty in this manner does not relieve either Respondent of the obligation to comply with the requirements of the SDWA and its implementing regulations. Payment of the penalty in this manner does, however, constitute

consent by the paying Respondent to the assessment of the proposed penalty and a waiver of that Respondent's right to a hearing on this matter. Such payment would waive that Respondent's rights to contest the allegations in this Complaint and to appeal any final order resulting from this Complaint.

SETTLEMENT CONFERENCE

56. The EPA encourages exploring settlement possibilities through informal settlement negotiations. However, failing to file an answer may lead to a default order, even if settlement negotiations occur. The parties may simultaneously pursue settlement and proceed with administrative litigation. If a settlement is reached, its terms will be expressed in a written consent agreement to be signed by the parties and incorporated into a final order signed by the Regional Judicial Officer or Regional Administrator of EPA Region 8. Any request for settlement negotiations should be directed to the EPA enforcement attorney named above, who can also be reached by telephone at 303-312-6858.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8

COLLEEN

Digitally signed by COLLEEN
RATHBONE

RATHBONE

Date: 2024.05.28 12:49:53 -06'00'

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assistance Division
Region 8, U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202
Complainant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING (without a copy of 40 C.F.R. part 22) were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING (with a copy of 40 C.F.R. part 22 and a copy of the May 8, 2020 Standing Order by Regional Judicial and Presiding Officer Katherin E. Hall) was sent to each of the following:

Scott Prusia, President

Stone Creek Homeowners Association

51 Sandy Court

Torrington, WY 82240

Certified Mail, Return Receipt Number: 7009 341D 0000 2601 2746

and

Scott Prusia

Stone Creek Homeowners Association

51 Sandy Court

Torrington, WY 82240

Certified Mail, Return Receipt Number: 7009 341D 0000 2601 2739

Date: 5/29/2024

By: Joan Petty

