

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
Mountain Village Parks, Inc., and)
Diane and Daniel Alexander)
)
)
Respondents. _____)

Docket No. **SDWA-08-2017-0032**

ADMINISTRATIVE ORDER

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Mountain Village Park, Inc., is a Wyoming corporation and Diane and Daniel Alexander are persons, collectively Respondents, that own and/or operate the Mountain Village Parks Public Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. No treatment is provided.
4. The System has approximately 90 service connections used by year-round residents and/or regularly serves an average of approximately 53 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 subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are “applicable requirements” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to monitor the System’s water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the System’s water for nitrate during 2016 and, therefore, violated this requirement.
8. Respondents are required to monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondents failed to monitor the System’s water for total coliform bacteria during the month of March 2017 and, therefore, violated this requirement.

9. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year and to certify to the EPA that they have done so by October 1. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondents failed to prepare and deliver an annual CCR in 2016 and 2017 to the System's customers and to the EPA. Respondents also failed to provide a certification to the EPA by October 1, 2016. Therefore, Respondents violated these requirements.

10. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours, except where the Drinking Water Regulations specify a different time period. 40 C.F.R. § 141.31(b). Respondents failed to report the violation cited in paragraphs 7 and 9, above, to the EPA and, therefore, violated this requirement.

11. Respondents are required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violation cited in paragraph 8, above, to the EPA and, therefore, violated this requirement.

ORDER

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

12. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondents shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondents shall report nitrate analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a).

13. Respondents shall monitor the System's water monthly for total coliform. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858. Respondents shall report total coliform analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results. 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4).

14. Within 30 days after receipt of this Order, Respondents shall prepare CCRs (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System covering the period of 2015 and 2016, distribute the CCRs to the System's customers and the EPA, and certify to

the EPA that the CCRs have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondents shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

15. Respondents shall report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours, except where the Drinking Water Regulations specify a different time period, as required by 40 C.F.R. § 141.31(b).

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

17. 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, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondents shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hire another person or entity to operate the System.

18. Respondents shall send all reporting and notifications required by this Order to the EPA via email at R8DWU@epa.gov or fax at (877) 876-9101

GENERAL PROVISIONS

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

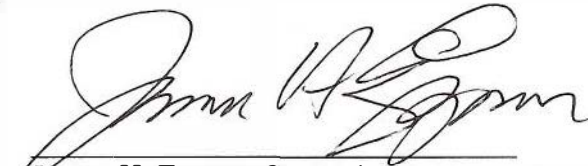
20. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (January 12, 2017).

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

22. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

Mountain Village Parks, Inc. (Administratively Dissolved)
and Diane and Daniel Alexander
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Issued: September 12, 2017.



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice



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