



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 26 2012

Ref: 8ENF-UFO

CERTIFIED MAIL #7009-3410-0000-2597-1525
RETURN RECEIPT REQUESTED

Ron Blank and Angie Blanchard, Owners
LHB, Inc. d/b/a Big Pine Campground
12084 Big Pine Road
Custer, SD 57730

Re: Administrative Compliance Order on Consent
SDWA-08-2012-0057

Dear Mr. Blank and Ms. Blanchard:

Enclosed is your copy of the fully executed Administrative Compliance Order on Consent (AOC) issued by the Environmental Protection Agency (EPA) as authorized by the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2. The document describes how LHB, Inc. d/b/a Big Pine Campground has violated the SDWA and proposes compliance requirements.

Please note that there are deadlines in the AOC that must be followed. The AOC is effective the date it was filed with the Region 8 Hearing Clerk. You have thirty (30) calendar days from the effective date to comply with the requirements of the AOC.

If you have any technical questions, contact Britta Copt at the above address (with the mail code 8ENF-UFO) or by phone at (303) 312-6229. For legal questions, the attorney assigned to this matter is Jim Eppers, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (303) 312-6893.

Sincerely,

Darcy O'Connor, Acting Director
UIC/FIFRA/OPA Technical Enforcement Program

Enclosure:
Administrative Compliance Order on Consent

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8
Docket No. SDWA-08-2012-0057

2012 SEP 25 AM 8:54



In the Matter of:)
)
LHB, Inc.)
d/b/a)
Big Pine Campground)
)
Respondent.)

**ADMINISTRATIVE COMPLIANCE
ORDER ON CONSENT**

INTRODUCTION

1. This Administrative Compliance Order on Consent (AOC) is authorized by Congress in section 1423 of the Public Health Service Act, commonly known as the Safe Drinking Water Act (the Act), 42 U.S.C. § 300h-2. The Environmental Protection Agency (EPA) regulations authorized by the statute are set out in part 144 of title 40 of the Code of Federal Regulations (C.F.R.) and violations of the statute, permits or EPA regulations constitute violations of the Act.

2. The undersigned EPA official has been properly delegated the authority to issue this AOC.

3. EPA alleges that LHB, Inc., d/b/a Big Pine Campground (Respondent), has violated the regulations and therefore the Act, as more fully explained below.

FINDINGS OF FACT AND ALLEGATIONS

The following general allegations apply to all times relevant to this action and to each violation alleged in this AOC:

4. Respondent is a corporation and therefore is a "person" as defined in the Act, and is subject to the requirements of the statute and/or regulations. 42 U.S.C. § 300f (12).

5. Respondent owns and/or operates the facility known as Big Pine Campground, located at 12084 Big Pine Road, Custer, SD (facility).

6. On June 6, 2012, the EPA received a Shallow Waste Disposal System/Well Inventory Request Form from Big Pine Campground. This form indicated that Respondent operates ten septic systems that have the physical capacity to treat sanitary waste fluids generated by more than 20 people per day. The submittal lacked certain information that was required, as further described in Paragraph 11.

7. Based on the information described above, Respondent owns and/or operates Class V Large Capacity Septic Systems at the Big Pine Campground.

8. Respondent's disposal systems, as identified in paragraph 6 above, are classified as "Class V Injection Wells" as defined by 40 C.F.R. §§144.6, 144.81, and 146.5. Respondent is subject to applicable requirements of 40 C.F.R. §§124, 144 and 146.

9. Lying beneath Respondent's disposal wells are underground sources of drinking water (USDWs), including but not limited to, the Madison Aquifer.

FINDINGS OF VIOLATION

10. Respondent is in violation of:

40 C.F.R. § 144.83 for failing to provide to the UIC Director complete basic "inventory information" concerning Respondent's wells.

ORDER

11. Based on the foregoing findings and pursuant to section 1423(c) of the Act, the EPA orders and the Respondent agrees as follows:

(a) within thirty (30) calendar days of the effective date of the AOC, Respondent shall submit to EPA, in writing, the following:

1. Provide the number of tent sites, RV sites, cabins and their guest capacity. Calculate the daily maximum number of guests and employees at the campground.
2. Estimate the number of RV's that use the dump station, but do not stay at the campground.
3. For each septic system, please provide information on:
 - a. Average and maximum daily flow rates into each system.
 - b. The size and treatment capacity of each septic system.
4. Provide any septic system pumping records you may have for the campground.

12. Respondent shall submit all documentation to:

Britta Copt (Mail Code 8ENF-UFO)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202

CERTIFICATION

13. The information described in paragraph 11, above, must be accompanied by the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted pursuant to the requirements of this AOC, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I certify that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.


Signature _____ Date 9/14/12

Ronald N. Blank
Name _____ Title President

GENERAL PROVISIONS

14. Failure by Respondent to comply with any of the terms of this AOC shall constitute a breach of the AOC and may result in referral of the matter to the Department of Justice for enforcement of this AOC and for such other relief as may be appropriate.

15. Nothing in this AOC shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this AOC.

16. Each undersigned representative of the Parties to this AOC certifies that he or she is fully authorized by the Party represented to bind the Party to the terms and conditions of this AOC and to execute and legally bind that Party to this AOC.

17. Each Party shall bear its own costs and attorneys fees in connection with all issues associated with this AOC.

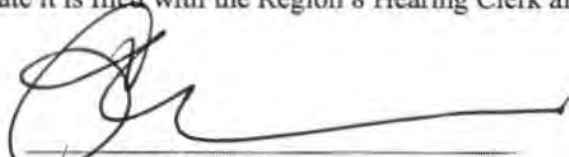
18. Respondent remains obligated to comply with all requirements of the Act and its implementing regulations.

19. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this AOC, including, but not limited to, any right of judicial review of the AOC under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

20. The effective date of this AOC is the date it is filed with the Region 8 Hearing Clerk after it is signed by EPA and Respondent.

Date: 9/25/12

By:



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
And Environmental Justice

Date: 9/14/12

By:



LHB, Inc. d/b/a Big Pine Campground
Ronald N. Blank, President

In the Matter of: LHB, Inc. d/b/a Big Pine Campground
Docket No.: SDWA-08-2012-0057

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via Certified Mail to:

LHB, Inc. d/b/a Big Pine Campground
12084 Big Pine Road
Custer, SD 57730

Sept 26, 2012
Date

Shirley Darvell