



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Received by
EPA Region VIII
Hearing Clerk

August 1, 2023

Ref: 8ENF-W-SD

SENT VIA EMAIL AND CERTIFIED MAIL
DIGITAL DELIVERY RECEIPT REQUESTED
AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Scott Prusia, HOA President
Stone Creek Homeowners Association
S_prusia@yahoo.com

Re: Notice regarding Stone Creek Homeowners Association Public Water System,
PWS ID #WY5601586, Docket No. **SDWA-08-2020-0034**

Dear Mr. Prusia:

I am writing regarding the ongoing nitrate maximum contaminant level (MCL) exceedances at the Stone Creek Homeowners Association Public Water System (Stone Creek) and urge you to take expeditious action to reduce the residents' nitrate exposures. Addressing nitrate exposure is a high priority for EPA. Nitrates are an acute contaminant that can be lethal for infants 6 months old and younger when their concentration exceeds the MCL of 10 milligrams per liter (mg/L). Stone Creek has had multiple nitrate MCL exceedances since the time EPA issued the Administrative Order on July 22, 2020, and the Amended Administrative Order issued on November 12, 2021. Most recently, the nitrate MCL was exceeded in a sample collected July 10, 2023. To protect the health and welfare of its residents and the other individuals served by the drinking water system, it is critical for Stone Creek to comply with the Administrative Order or be subject to penalties.

We recognize Stone Creek's progress on the matter and note that Stone Creek has purchased the necessary equipment to treat the nitrates and built an addition to the pump house to accommodate the new equipment. However, Stone Creek has still not completed the construction to resolve the nitrate contamination. The July 22, 2020, Administrative Order, in Paragraph 9, provides the final compliance deadline shall be within six months of the project start date. Since that time, the EPA has granted multiple extensions. The most recent Addendum, issued February 3, 2022, includes a final completion date of September 2022, which had been proposed by Stone Creek in its December 2, 2021, schedule. An email extension was provided by Christina Carbballal, EPA Environmental Engineer, on November 30, 2022, to have the project completed by April 30, 2023, due to challenges finding a competent licensed contractor. In its latest progress report, Stone Creek further pushes its completion date back by stating, "an updated opinion of the earliest probable date of which the RO system could potentially be in place would be December of 2023[.]" The EPA views this as another request for an extension with a final completion date of December 31, 2023.

Accordingly, the EPA is setting a final deadline under 42 U.S.C. § 300g-3, that the treatment system be installed and functioning **by December 31, 2023**. The EPA will not grant any further extensions. Failure to meet this deadline will result in assessment of a civil administrative penalty of up to \$67,544 (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; 88 Fed. Reg. at 989 (January 6, 2023). Given the risk to the residents of Stone Creek and concerns with the winter weather in Wyoming, we strongly recommend completion prior to December 2023.

We urge your prompt attention to this matter.

Sincerely,

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

cc: WY DEQ/DOH (via email)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Goshen County Commissioners (crupp@goshencounty.org)
Tom Feeser, Contract Operator, Stone Creek HOA (tom@cottonwoodconstruction.com)
Carl Rupp, Water Manager, Stone Creek HOA (carl_rupp@hotmail.com)
John Kinberg, Chief Operator, Stone Creek HOA (kinberg@scottsbuff.net)
Coby Romig, Project Manager, Baker & Associates (cromig@baker-eng.com)
Justin Latham, Consumer Health Services Division Manager, Wyoming Dept. of Agriculture
Keenan Hendon, Water and Wastewater Section Manager, Wyoming DEQ