

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Knecht Investments, LLC.)
)
Respondent.)
)
Mountain View Estates)
PWS ID #WY5601270)

Docket No. SDWA-08-2023-0007

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Knecht Investments, LLC. (Respondent) is a Colorado company that owns and operates the Mountain View Estates Public Water System (System), which provides piped water to the public in Laramie County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is untreated.
4. The System has approximately 34 service connections used by year-round residents and regularly serves an average of approximately 75 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. Respondent is 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. When a System has more than one positive total coliform sample result within the same month or fails to take three total coliform repeat samples within 24 hours following a routine total coliform positive result, a Level 1 assessment is required and must be submitted to the EPA within 30 calendar days of learning of the positive total coliform sample results. 40 C.F.R. § 141.859. On September 25, 2021, Respondent conducted an initial Level 1 Assessment which did not find a cause for the positive total coliform results. After additional positive total coliform sample results, an EPA contractor conducted a Level 2 Assessment on October 21, 2021, which indicated that there was a problem that was missed in the first Level 1 Assessment. As such, Respondent failed to conduct an adequate Level 1 assessment following multiple positive total coliform sample results in September of 2021, and therefore, violated this requirement.
7. Respondent is required to correct any sanitary defect found through either a Level 1 or 2 assessment in compliance with an EPA-approved schedule, and must notify the EPA when each scheduled corrective action is completed. 40 C.F.R. § 141.859(c). The EPA’s record reflects that

Respondent failed to timely correct all sanitary defects found during the Level 2 assessment conducted on October 21, 2021 and failed to notify the EPA of corrective action completion and therefore, violated these requirements.

8. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 6 and 7, to the EPA and therefore, violated this requirement.

ORDER

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

9. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

10. Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding implementation of necessary corrective actions and submit to the EPA a schedule for completion of all corrective actions. Beginning approximately December 2022, the EPA has been in receipt of monthly updates from Respondent. To ensure appropriate and timely corrective actions, however, Respondent is required to submit the schedule, referenced above in this paragraph, to the EPA. Upon written approval by the EPA, the -approved schedule (Schedule) shall be incorporated into this Order as an enforceable requirement. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, Respondent shall comply with all provisions of 40 C.F.R. § 141.859(c) regarding any identified sanitary defects at the System.

Corrective Actions (please see the Level 2 assessment dated October 21,2021):

- Sanitary defect 4.2/4.4/4.5: Address the source of the vegetation growth inside of Storage Tank #2 (ST02) and ensure there are no breaches in any storage facility. Breaches include any opening into the tank not afforded by the 24-mesh screen on storage tank vents and overflow pipes or by any opening larger than 0.0027 inches.
- Sanitary defect 4.2/4.4/4.5: Remove the sediment and debris from ST02.
- Sanitary defect 4.2/4.4/4.5: Clean and disinfect the interior of all storage tanks.
- Sanitary defect 5.1a: Install disinfection.
- Sanitary defect 6.14a: Well #1(WL01) was not properly abandoned. Provide a plan to properly abandon, physically disconnect, or reactivate the well according to State of Wyoming Water Quality Rules and Regulations.
- Sanitary defect 6.14b: Install a raw water sample tap so that water samples can be collected directly from the water source. The sample tap for the well must be relocated so that it is prior to the water entering any pressure tank, treatment, or storage. The tap

should be of the smooth-nosed variety without interior or exterior threads, suitable for obtaining samples for bacteriological analysis, and should not have a screen, aerator, or other such appurtenance.

11. For each calendar year, Respondent shall prepare and distribute a CCR by July 1st of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.

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

13. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, 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, Respondent will remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov and Brookins.Rachel@epa.gov

GENERAL PROVISIONS

15. This Order is binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

16. This Order does 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 Respondent to a civil 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).

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

Issued: March 22, 2023

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division