



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2012 MAY 14 AM 11:40

FILED  
EPA REGION VIII  
MOUNTAIN VILLAGE PARKS

May 9, 2012

Ref: 8ENF-L

CERTIFIED MAIL 7009 3410 0000 2592 0516  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, Wyoming 83113

Re: Docket No. **SDWA-08-2012-0026**  
Complaint and Notice of Opportunity for  
Hearing

Dear Ms. Alexander:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" filed against Mountain Village Parks, Inc. under section 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3. The U.S. Environmental Protection Agency alleges in the complaint that Mountain Village Parks, Inc. failed to comply with an Amended Administrative Order issued on September 29, 2009, under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), for alleged violations of the SDWA and the National Primary Drinking Water Regulations (NPDWRs) at the Mountain Village Parks public water system. The violations are specifically set out in the complaint.

By law, Mountain Village Parks, Inc. has the right to request a hearing regarding the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If Mountain Village Parks, Inc. does not respond to this complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. Mountain Village Parks, Inc. may request a hearing in its answer. Mountain Village Parks, Inc. has the right to be represented by an attorney at any stage of these proceedings.

Whether or not a hearing is requested, a designated representative of Mountain Village Parks, Inc. may confer informally with the EPA concerning the alleged violations or the amount of the proposed penalty. The EPA encourages all parties against whom it files a 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 Judicial Officer, EPA Region 8. The issuance of a final order incorporating a consent agreement shall constitute a waiver of the right to request a hearing on any matter to which Mountain Village Parks, Inc. stipulates in that agreement.

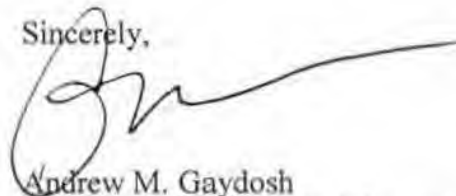
of a final order incorporating a consent agreement shall constitute a waiver of the right to request a hearing on any matter to which Mountain Village Parks, Inc. stipulates in that agreement

A request for an informal conference does not extend the 30-day period during which Mountain Village Parks, Inc. must submit a written answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneously with, the adjudicatory hearing. Please note that Mountain Village Parks, Inc. may be subject to a default order requiring payment of the full penalty proposed in the complaint if it does not file an answer, even if it requests an informal conference.

For any questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Mario Mérida, Environmental Protection Specialist, who can be reached at 800-227-8917 extension 6297, and Amy Swanson, Enforcement Attorney, who can be reached at 800-227-8917 extension 6906.

The EPA urges your prompt attention to this matter.

Sincerely,



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

#### Enclosures

1. Administrative Complaint and Notice of Opportunity for Hearing
2. Consolidated Rules of Practice (Complainant's Exhibit 1)
3. Administrative Order (Complainant's Exhibit 2)
4. Amended Administrative Order (Complainant's Exhibit 3)
5. Violation of Administrative Order letter (Complainant's Exhibit 4)
6. 2<sup>nd</sup> Violation of Administrative Order letter (Complainant's Exhibit 5)

cc: Tina Artemis, Regional Hearing Clerk  
WY DEQ/DOH (via email)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2012 MAY 10 AM 10:39

In the Matter of:

Mountain Village Parks, Inc.  
Big Piney, WY  
PWS ID #WY5600221,

Respondent.

FILED  
EPA REGION 8  
DOCKET NO. SDWA-08-2012-0025

**COMPLAINT AND NOTICE OF  
OPPORTUNITY FOR HEARING**

**COMPLAINT**

This civil administrative Complaint and Notice of Opportunity for Hearing (Complaint) is issued under the authority vested in the Administrator of the Environmental Protection Agency (EPA) by section 1414(g)(3) of the Safe Drinking Water Act, as amended (SDWA), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g)(1) of the SDWA. This authority has been properly delegated to the undersigned Assistant Regional Administrator of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination, or Suspension of Permits (Consolidated Rules) set forth at 40 C.F.R. part 22 (Complainant's Exhibit 1).

**GENERAL ALLEGATIONS**

1. The following general allegations apply to and are incorporated into each of the counts alleged in this Complaint:

2. Respondent Mountain Village Parks, Inc. is a corporation and therefore a "person" within the meaning of section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R.

§ 141.2.

3. Respondent owns and/or operates a system, the Mountain Village Parks Public Water System (system), located in Sublette County, Wyoming, for the provision to the public of piped water for human consumption.

4. The system has at least 15 service connections used by year-round residents and/or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "community water system" as that term is defined in section 1401(16) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R.

§ 141.2.

5. Respondent owns and/or operates a public water system and therefore is a "supplier of water" within the meaning of section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R.

§ 141.2. Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.

6. Respondent operates a system that is supplied solely by a ground water source consisting of two wells. The system serves approximately 150 persons per day year-round through at least 74 active service connections at a mobile home park. Using an additional two wells, the system serves up to 1,000 people through three active service connections at an adjacent housing facility (also known as a man camp).

7. On July 13, 2009, EPA issued an Administrative Order (Order) to the Respondent pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing violations of the

National Primary Drinking Water Regulations (NPDWRs) (40 C.F.R. part 141). A copy of the Order is attached to and incorporated in this Complaint as Complainant's Exhibit 2.

8. EPA issued an Amended Administrative Order (Amended Order) to the Respondent on September 29, 2009, adding a violation for exceeding the maximum contaminant level (MCL) for total coliform bacteria in May 2009 to the other previously-cited NPDWR violations. Specifically, the Amended Order requires the Respondent to perform the following: 1) comply with the total coliform MCL; 2) monitor the system's water for total coliform bacteria twice per month and report the results to EPA; 3) monitor the system's water per the regulations for lead and copper between June 1 and September 30, 2009, and annually thereafter, by collecting samples at a minimum of five sites in the distribution system; 4) public notice the violations within 30 days; 5) prepare, distribute and copy EPA on an annual Consumer Confidence Report (CCR) for the system for calendar year 2007, and continue to prepare, distribute and copy EPA on CCRs by July 1 annually thereafter; 6) notify EPA by the end of the following business day after discovering if the water exceeds the total coliform MCL; 7) report to EPA any failure to comply with the NPDWRs within 48 hours; and 8) report to EPA any failure to comply with total coliform monitoring requirements within 10 days after discovering the violation. A copy of the Amended Order is attached to and incorporated in this Complaint as Complainant's Exhibit 3.

9. On September 16, 2010, EPA sent Respondent a "Violation of Administrative Order" letter citing the following noncompliance with the Amended Order and the NPDWRs: 1) failure to prepare and distribute to its customers, or send a copy to EPA, the CCRs for calendar years 2007 and 2009; and 2) failure to report any NPDWR violation to EPA within 48 hours. A

copy of EPA's September 16, 2010 letter is attached to and incorporated in this Complaint as Complainant's Exhibit 4.

10. On September 7, 2011, EPA sent Respondent a "2<sup>nd</sup> Violation of Administrative Order" letter citing the following noncompliance with the Amended Order and the NPDWRs: 1) failure to collect required lead and copper samples between January 1 and June 30, 2011; 2) failure to prepare and distribute to its customers, or send a copy to EPA, the CCRs for calendar years 2007 and 2010; and 3) failure to report any NPDWR violations to EPA within 48 hours. A copy of EPA's September 7, 2011 letter is attached to and incorporated in this Complaint as Complainant's Exhibit 5.

11. Pursuant to section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), and 40 C.F.R. part 19, the Administrator may assess an administrative a civil penalty not to exceed \$32,500 for each day of violation occurring after January 12, 2009 whenever the Administrator determines that any person has violated, or fails or refuses to comply with, an order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g).

## VIOLATIONS

### **Count I**

#### **Failure to Prepare, Distribute, and Submit to EPA Consumer Confidence Reports**

12. The Amended Order (paragraph 16, page 3) requires within thirty (30) days that the Respondent prepare pursuant to 40 C.F.R. §§ 141.152-155 an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. 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. Respondent shall continue to prepare and distribute to the system's

customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with C.F.R. §§ 141.152-155.

13. Respondent failed to prepare and deliver an annual CCR for 2007, 2009 and 2010 to the system's customers and to EPA in violation of the Amended Order, the Act and 40 C.F.R. §§ 141.152-155.

**Count II**  
**Failure to Monitor for Lead and Copper**

14. The Amended Order (page 3, paragraph 14) requires within thirty (30) days that the Respondent monitor the system's water for lead and copper pursuant to 40 C.F.R. §§ 40 C.F.R. §§ 141.86(c) - (d) by collecting samples at a minimum of five sites in the distribution system between June 1 and September 30, 2009, and continuing to monitor for lead and copper annually per the regulations thereafter.

15. Respondent failed to collect lead and copper samples between January 1 and June 30, 2011, in violation of the Amended Order, the Act and 40 C.F.R. §§ 141.86(c)- (d).

**Count III**  
**Failure to Report to EPA Noncompliance of the NPDWRs**

16. The Amended Order (page 3, paragraph 19) requires that the Respondent pursuant to 40 C.F.R. § 141.31(b) report to EPA within 48 hours the failure to comply with any NPDWR except where a different reporting period is specified.

17. Respondent failed to report to EPA the 2007, 2009 and 2010 CCR violations, and the lead and copper sampling violations for the period(s) January 1- June 30, 2011 and July 1- December 31, 2011, in violation of the Amended Order, the Act and 40 C.F.R. § 141.31(b).

**Count IV**  
**Failure to Report to EPA Total Coliform Noncompliance**



18. The Amended Order (page 3, paragraph 18) requires that the Respondent pursuant to 40 C.F.R. § 141.21(g)(1) report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation.

19. On January 3, 2012, the Respondent collected the required monthly routine total coliform samples, one of which was total coliform-positive. On January 4, 2012, the Respondent collected an additional 4 repeat samples for total coliform testing, as required. During the month of February 2012, the Respondent also was required to collect at least 5 routine samples for total coliform testing following the January total coliform-positive results. However, the Respondent only collected 3 of the required 5 routine samples on February 7, 2012. No additional routine samples were collected that month, resulting in a violation of the total coliform monitoring requirements.

20. Respondent failed to report the February 2012 total coliform monitoring requirement violation to EPA within 10 days of discovering the violation, in violation of the Amended Order, the Act and 40 C.F.R. § 141.21(g)(1).

#### **PROPOSED ADMINISTRATIVE CIVIL PENALTY**

This complaint proposes that EPA assess an administrative penalty. EPA is authorized to assess an administrative 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)(1) of the SDWA. The amount may be up to \$32,500 (adjusted upwards for inflation from the original statutory amount of \$25,000 pursuant to 40 C.F.R. part 19).

EPA has determined the proposed penalty amount in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violations, the population

at risk, and other appropriate factors, including the Respondents' degree of willfulness and/or negligence, history of non-compliance, if any, and ability to pay, as known to EPA at this time, EPA proposed to assess an administrative civil penalty of **\$5,000** against the Respondent for violating the Order.

### **TERMS OF PAYMENT FOR QUICK RESOLUTION**

If the Respondent does not contest the findings and penalty proposal set out above, this action may be resolved by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18. If such payment is made within 30 calendar days of receipt of this Complaint, no Answer need be filed. For more time for payment, the Respondent may file a statement agreeing to pay the penalty within 30 days of receipt of the Complaint, then pay the money within 60 days of such receipt. Payment shall be made by remitting a cashier's or certified check for the amount, including the name and docket number of the case, payable to the "**Environmental Protection Agency**" to:

**US checks by regular  
US postal service mail:**

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

**Federal Express, Airborne,  
Or other commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

**Wire transfers:**

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045

Field Tag 4200 of the Fedwire message should read "D  
68010727 Environmental Protection Agency "

**Online Payment:**

WWW.PAY.GOV  
Enter sfo 1.1 in the search field

A copy of the check or wire transfer shall be simultaneously sent to:

Mario Merida (8ENF-W)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Payment of the penalty in this manner does not relieve the Respondent of its obligation to comply with the requirements of the statute and regulations. Payment of the penalty in this manner shall constitute consent by the Respondent to the assessment of the proposed penalty and a waiver of the Respondent's right to a hearing on this matter.

**OPPORTUNITY TO REQUEST A HEARING**

As provided in the SDWA, you have the right to a public hearing to contest this Complaint. If you 1) contest the factual claims made in this Complaint; 2) contest the appropriateness of the proposed penalty; and/or 3) assert that you are entitled to judgment as a matter of law, you must file a written Answer in accordance with sections 22.15 and 22.38 of the Consolidated Rules within 30 calendar days after receipt of this Complaint. Your Answer must 1) clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with regard to which you have knowledge; 2) state circumstances or arguments which are alleged to constitute grounds for defense; 3) state the facts you dispute; 4) state the basis for opposing the proposed relief; and 5) specifically request an administrative hearing, if desired. Failure to admit, deny or explain any material factual allegation in this Complaint will constitute an admission of the allegation.

In the Matter of Mountain Village Parks Inc.  
Administrative Complaint - 8

The Answer and one copy must be sent to:

Tina Artemis, Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

and a copy must be sent to the following attorney:

Amy Swanson, Enforcement Attorney  
U.S. EPA Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, CO 80202-1129

IF YOU FAIL TO REQUEST A HEARING, YOU WILL WAIVE YOUR RIGHT TO FORMALLY CONTEST ANY OF THE ALLEGATIONS SET FORTH IN THE COMPLAINT.

IF YOU FAIL TO FILE A WRITTEN ANSWER OR PAY THE PROPOSED PENALTY WITHIN THE 30 CALENDAR DAY TIME LIMIT, A DEFAULT JUDGMENT MAY BE ENTERED PURSUANT TO 40 C.F.R. § 22.17. THIS JUDGMENT MAY IMPOSE THE PENALTY PROPOSED IN THE COMPLAINT.


### **SETTLEMENT CONFERENCE**

The EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the SDWA and applicable regulations and is willing to explore this possibility in an informal settlement conference. If you or your attorney, if you choose to be represented by one, have any questions or wish to have an informal settlement conference with EPA, please call Amy Swanson at (303) 312-6906. Please note that a request for, scheduling of, or participation in a settlement conference does not extend the period for filing an answer and request for hearing as set out above. The settlement process, however, may be pursued simultaneously with the administrative litigation procedures found in the Consolidated Rules. If a

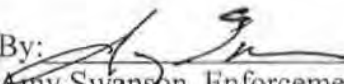
settlement can be reached, its terms must be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Regional Judicial Officer.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant.**

Date: 5.9.2012

By:   
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance,  
and Environmental Justice

Date: 5.9.2012

By:   
Amy Swanson, Enforcement Attorney  
U.S. EPA, Region 8  
1595 Wynkoop St. (8ENF-L)  
Denver, CO 80202-1129  
Telephone: 303/312-6906  
Facsimile: 303/312-6953

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

#### F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

#### G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,  
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

### PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

#### Subpart A—General

##### Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification; withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

#### Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

#### Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

#### Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

#### Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

#### Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUL 13 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, WY 83113

Re: Administrative Order  
Docket No. **SDWA-08-2009-0061**  
PWS ID # WY5600221C

Dear Ms. Alexander:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how Mountain Village Parks, Inc. has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Mountain Village Parks, Inc., complies with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. For legal questions, the attorney

assigned to this matter is Amy Swanson, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Information sheet  
Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ (via email)  
WY DOH (via email)  
Dan Alexander, Mountain Village Parks





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

IN THE MATTER OF

Mountain Village Parks, Inc.  
Big Piney, Wyoming

Respondent.

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0061

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 Parks, Inc. (Respondent) is a corporation that owns and/or operates the Mountain Village Parks Water System (the system) in Sublette County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells serving approximately 150 people per day through at least 74 active service connections year-round at a mobile home park, and an additional two wells serving up to 1000 people through three active service connections at an adjacent housing facility (also known as a man camp). The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

### VIOLATIONS

3. Respondent is required to monitor the system's water twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for total coliform bacteria during September 2007 and, therefore, violated this requirement.

4. Respondent was required to monitor the system's water once for lead and copper contamination during the 2004 – 2006 monitoring period. 40 C.F.R. § 141.86(d)(4)(iii). Respondent failed to monitor the water for lead and copper during the 2004 – 2006 monitoring period and, therefore, violated this requirement.

5. After failing to monitor the system's water for lead and copper for the 2004 – 2006 monitoring period as per paragraph 4 above, EPA placed the system on annual monitoring beginning February 12, 2007.

40 C.F.R. § 141.86(d)(4)(ii). Based on the population served by the system, Respondent is required to collect at least 5 samples between June 1 and September 30 during each monitoring period. 40 C.F.R. § 141.86(c). Respondent failed to monitor for lead and copper in 2007 and 2008 and therefore, violated this requirement.

6. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 3 and 4, and the 2007 violation in paragraph 5 above and, therefore, violated this requirement. Public notice for the 2008 lead and copper violation is not yet overdue.

7. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152 – 155. Respondent failed to prepare a CCR for calendar year 2007 and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 3 above and, therefore, violated this requirement.

9. Respondent is required to report any other failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4, 5, and 6 above to EPA and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon receipt of this Order by Respondent:

10. Respondent shall monitor the system's water for total coliform bacteria twice per month. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

11. Between June 1 and September 30, 2009, Respondent shall monitor the system's water for lead and copper by collecting samples at a minimum of five sites in the distribution system, and shall continue to monitor for lead and copper annually per the regulations thereafter. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

12. Within 30 days, Respondent shall provide public notice of the violations specified in paragraphs 3 through 5 above. 40 C.F.R. §§ 141.201 *et seq.* Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall notify the public of any future violations. 40 C.F.R. § 141.201 *et seq.* Respondent shall send a copy of the notice to EPA within 10 days of providing the notice. 40 C.F.R. § 141.31(d).

13. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. §§ 141.152-155.

14. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

15. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

16. All reporting required by this Order shall be directed to:

U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

#### **GENERAL PROVISIONS**

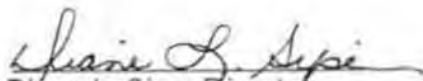
17. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

18. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. Part 19.

Issued this 13<sup>th</sup> day of July, 2009.



David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2009 SEP 29 AM 8:00

Ref: 8ENF-W

SEP 29 2009

1595 Wynkoop Street  
DENVER, CO 80202

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, WY 83113

Re: Amended Administrative Order  
Docket No. SDWA-08-2009-0061  
PWS ID # WY5600221

Dear Ms. Alexander:

Enclosed is an Amended Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. This Order amends the July 13, 2009, Administrative Order issued by EPA. EPA has added a violation for exceeding the maximum contaminant level for total coliform bacteria in May 2009, to the other previously-cited violations of the National Primary Drinking Water Regulations.

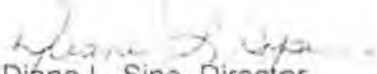
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Mountain Village Parks, Inc., complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. Any questions from Mountain Village Parks, Inc.'s attorney should be directed to Amy Swanson, Enforcement

Attorney, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,

  
Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Public notice templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ (via email)  
WY DOH (via email)  
Dan Alexander, Mountain Village Parks



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2009 SEP 29 AM 8:00

EPA REGION 8  
LEGAL CLERK

IN THE MATTER OF

Mountain Village Parks, Inc.  
Big Piney, Wyoming,

Respondent.

AMENDED  
ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0061

1. This Amended Administrative 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 Parks, Inc. (Respondent) is a corporation that owns and/or operates the Mountain Village Parks Water System (the system) in Sublette County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells serving approximately 150 people per day through at least 74 active service connections year-round at a mobile home park, and an additional two wells serving up to 1000 people through three active service connections at an adjacent housing facility (also known as a man camp). The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

VIOLATIONS

3. If more than one sample collected in any month from the system's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). More than one total coliform sample collected in May 2009 from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

4. Respondent is required to monitor the system's water twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for total coliform bacteria during September 2007 and, therefore, violated this requirement.

5. Respondent was required to monitor the system's water once for lead and copper contamination during the 2004 – 2006 monitoring period.

40 C.F.R. § 141.86(d)(4)(iii). Respondent failed to monitor the water for lead and copper during the 2004 – 2006 monitoring period and, therefore, violated this requirement.

6. After failing to monitor the system's water for lead and copper for the 2004 – 2006 monitoring period as per paragraph 4 above, EPA placed the system on annual monitoring beginning February 12, 2007. 40 C.F.R. § 141.86(d)(4)(ii). Based on the population served by the system, Respondent is required to collect at least 5 samples between June 1 and September 30 during each monitoring period. 40 C.F.R. § 141.86(c). Respondent failed to monitor for lead and copper in 2007 and 2008 and therefore, violated this requirement.

7. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 3 through 5, and the 2007 violation in paragraph 6 above and, therefore, violated this requirement. Public notice for the 2008 lead and copper violation is not yet overdue.

8. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152 – 155. Respondent failed to prepare a CCR for calendar year 2007 and, therefore, violated this requirement.

9. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violation cited in paragraph 3, above, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 4 above and, therefore, violated this requirement.

11. Respondent is required to report any other failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 5, 6 and 7 above to EPA and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon receipt of this Order by Respondent:

12. Respondent shall comply with the total coliform MCL.



13. Respondent shall monitor the system's water for total coliform bacteria twice per month. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

14. Between June 1 and September 30, 2009, Respondent shall monitor the system's water for lead and copper by collecting samples at a minimum of five sites in the distribution system, and shall continue to monitor for lead and copper annually per the regulations thereafter. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

15. Within 30 days, Respondent shall provide public notice of the violations specified in paragraphs 3 through 6 above. 40 C.F.R. §§ 141.201 et seq. Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall notify the public of any future violations. 40 C.F.R. § 141.201 et seq. Respondent shall send a copy of the notice to EPA within 10 days of providing the notice. 40 C.F.R. § 141.31(d).

16. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. §§ 141.152-155.

17. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

18. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

19. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

20. All reporting required by this Order shall be directed to:

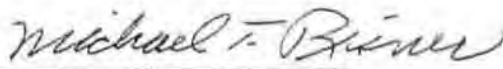
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129


**GENERAL PROVISIONS**

21. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

22. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. Part 19.

Issued this 29<sup>th</sup> day of September, 2009.

  
for David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2010 SEP 16 AM 11:14

SEP 16 2010

Ref: 8 ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, WY 83113

Re: Violation of Administrative Order  
Docket No. SDWA-08-2009-0061  
PWS ID # WY5600221

Dear Ms. Alexander:

On September 29, 2009 the US Environmental Protection Agency (EPA) issued an Amended Administrative Order (with the original Administrative Order being issued on July 13, 2009), Docket No. SDWA-08-2009-0061, ordering Mountain Village Parks, Inc., as owner of the Mountain Village Parks public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that Mountain Village Parks, Inc. (Respondent) is in violation of the Administrative Order (the Order), as amended. Among other things, the Order included the following requirements (quoted from items 16 and 19 on page 3 of the "Order" section):

1. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR in accordance with 40 C.F.R. §§ 141.152-155.

Respondent failed to prepare and distribute to its customers, or send a copy to EPA, the calendar year 2007 CCR despite promising to do so in its letter of November 4, 2009 to EPA. Further, Respondent failed to prepare and distribute to its customers, or send a copy to EPA, the calendar year 2009 CCR.

2. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

Respondent failed to report to EPA its failure to submit a completed CCR for calendar year 2009, as noted above.

Within two weeks from receipt of this letter, please prepare and distribute to the system's customers complete CCRs for calendar years 2007 and 2009. A copy of these CCRs must also be delivered to EPA.

EPA is considering additional enforcement action as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions, or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If Mountain Village Parks, Inc. is represented by an attorney who has questions, that attorney may contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906 or (303) 312-6906 or at the following address:

Amy Swanson  
Enforcement Attorney  
U.S. EPA, Region 8 (8-ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



---

Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ and DOH (via e-mail)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2011 SEP -7 AM 9:17

Re: 8 ENF-W

SEP 07 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, WY 83113

Re: 2<sup>nd</sup> Violation of Administrative Order  
Docket No. SDWA-08-2009-0061  
PWS ID # WY5600221

Dear Ms. Alexander:

On September 29, 2009 the US Environmental Protection Agency (EPA) issued an Amended Administrative Order (with the original Administrative Order being issued on July 13, 2009), Docket No. SDWA-08-2009-0061, ordering Mountain Village Parks, Inc., as owner of the Mountain Village Parks public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*

Our records indicate that Mountain Village Parks, Inc. (Respondent) is in violation of the Administrative Order (the Order), as amended. Among other things, the Order included the following requirements (quoted from items 14, 16, and 19 on page 3 of the "Order" section):

1. Between June 1 and September 30, 2009, Respondent shall monitor the system's water for lead and copper by collecting samples at a minimum of five sites in the distribution system, and shall continue to monitor for lead and copper annually per the regulations thereafter, 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations, 40 C.F.R. § 141.90.

Respondent collected the required sample on September 22, 2009. However, Respondent was then required to sample between January 1 and June 30, 2011. Respondent failed to conduct this sampling and therefore is in violation of the Order.

2. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. §§ 141.152-155.

Respondent has failed to prepare, distribute, or submit to EPA an annual CCR for the calendar year 2007, a violation also cited in EPA's letter of September 16, 2010. Further, Respondent failed to prepare and distribute to its customers, or send a copy to EPA, the calendar year 2010 CCR, due July 1, 2011.

3. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(h).

Respondent failed to report to EPA its failure to collect lead and copper samples as required during the January 1 to June 30, 2011, period, as well as its failure to prepare, distribute and submit its calendar year 2010 CCR report, as noted above.

Respondent is now required to collect lead and copper samples between July 1 and December 31, 2011. Please take these samples as soon as possible. Additional lead and copper samples will also be required for the January 1 to June 30, 2012, period. Please submit the laboratory results for these samples to EPA as soon as they are available.

EPA is considering additional enforcement action as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions, or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If Mountain Village Parks, Inc. is represented by an attorney who has questions, that attorney may contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906 or (303) 312-6906 or at the following address:

Amy Swanson  
Enforcement Attorney  
U.S. EPA, Region 8 (8-ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ and DOH (via e-mail)