

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
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2015 APR 17 AM 8:09

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: SDWA-08-2013-0058

IN THE MATTER OF: )  
)  
MACKAY INVESTMENTS, LLC )  
Jackson Hole Camp Ground ) **ORDER**  
Public Water System )  
)  
PWS#: WY5600520 )  
)  
Respondent. )

This action, initiated by the Complainant, the Director of the Technical Enforcement Program in conjunction with the Legal Enforcement Program of the Office of Enforcement, Compliance, and Environmental Justice, United States Environmental Protection Agency Region 8, seeks to assess a Class I administrative penalty under Section 1414(g)(3) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g)(3). Class I penalty actions are governed by procedures set forth in the revised rules for non-Administrative Procedures Act (non-APA) cases. *See* 40 C.F.R. Part 22, Subpart I.

On March 12, 2014, I issued an Order in this matter notifying Complainant to either file a motion for default or otherwise address the delay on or before March 28, 2014. On March 19, 2014, Complainant filed a Second Status Report indicating that contact with the Respondent had occurred and the Respondent was making efforts to come into compliance. The Second Status Report also stated "the parties are able to enter into negotiations to address payment of a suitable penalty and... The parties are now doing this." On April 14, 2014, Complainant filed a Notice of Substitution of Counsel. It is now a year later and there has been no update from the parties on the progress of settlement.

Therefore, Complainant shall file a status report to address the delay on or before **April 24, 2015.**

So Ordered this 17<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Elyana R. Sutin  
Regional Judicial Officer  
U.S. EPA, Region 8

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **ORDER** in the matter **MACKAY INVESTMENTS, LLC; DOCKET NO.: SDWA-08-2013-0058** was filed with the Regional Hearing Clerk on April 17, 2015.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Mia Bearley, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt on April 17, 2015 to:

Mr. Jamie Mackay, Registered Agent for  
Mackay Investments, LLC.  
2780 North Moose Wilson Road  
P. O. Bo 1827  
Wilson, WY 83014

And emailed to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
U. S. Environmental Protection Agency – Region 8  
1595 Wynkoop Street (8RC)  
Denver, CO 80202

April 17, 2015



Tina Artemis  
Paralegal/Regional Hearing Clerk