



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2019 FEB 11 AM 9:00

FEB 11 2019

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Sue Miller, Owner  
Mr. Dan Miller, Owner  
Miller Lower Mobile Home Park  
6414 North College Drive  
Cheyenne, Wyoming 82009

Re: Administrative Order issued regarding the Miller Lower Mobile Home Park Public Water System, PWS ID # WY5600051, Docket No. **SDWA-08-2019-0009**

Dear Ms. Miller and Mr. Miller:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Sue Miller and Dan Miller, as owners and/or operators of the Miller Lower Mobile Home Park Public Water System (System), have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (for example, any monitoring that may have been done but not submitted, updates to the number of service connections and/or individuals served). If the EPA does not hear from you, the EPA will assume this information is correct.

If you comply with the Order, the 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of your schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

You are required to notify the public quarterly by completing a public notice (PN) until the nitrate maximum contaminant level violation is resolved. Please submit a copy of the completed PN to the EPA each quarter.

If you have any questions or to request an informal conference with the EPA, please contact Jill Minter via email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov), or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



Aaron Urdiales, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: WY DEQ/DOH (via email)  
Kathy Shreve, WY DEQ ([Kathy.shreve@wyo.gov](mailto:Kathy.shreve@wyo.gov))  
Laramie County Commissioners ([commissioners@laramiecounty.com](mailto:commissioners@laramiecounty.com))  
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2019 FEB 11 AM 9:00

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
Sue Miller and Dan Miller, Owners )  
(Miller Lower Mobile Home Park) )  
PWS ID # WY5600051 )  
 )  
 )  
Respondents. \_\_\_\_\_ )

Docket No. ~~SDWA-08-2019-0009~~  
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HEARING CLERK  
**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 officials.
2. Sue Miller and Dan Miller (Respondents) are individuals who own and/or operate the Miller Lower Mobile Home Park 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 18 service connections used by year-round residents and/or regularly serves an average of approximately 30 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. Respondents are subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are “applicable requirements” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. The maximum contaminant level (MCL) for nitrate is 10 milligrams per liter (mg/l), to be based on the average of an initial and a confirmation sample. 40 C.F.R. §§ 141.23(f)(2) and (3) and 141.62(b). The initial sample, taken on November 28, 2018, was 12.1 mg/l, and the confirmation sample, taken on December 17, 2018, was 10.2 mg/l. The average of the initial sample and the confirmation sample is 11.2 mg/l, and, therefore, Respondents violated the nitrate MCL.

**ORDER**

Based on the above violation, Respondents are ordered to perform the following actions upon Respondents’ receipt of this Order (unless a different deadline is specified below):

8. Within 30 days after receipt of this Order, Respondents shall submit to the EPA a proposed plan and schedule to bring the System into consistent compliance with the nitrate MCL in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System, estimated costs of the modifications, and a schedule for completion of the project and compliance with the nitrate MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 6 months of the project start date). The schedule must be approved by the EPA before construction or modifications can begin.

9. The schedule required by paragraph 8, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

10. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 8, above, Respondents shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the nitrate MCL. Each quarterly report is due by the 10<sup>th</sup> day of the month following the end of the relevant quarter.

11. Within 10 days after completing all tasks included in the schedule required by paragraph 8, above, Respondents shall notify the EPA of the project's completion.

12. The System shall achieve and maintain compliance with the nitrate MCL by the final date specified in the EPA-approved schedule. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

13. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondents shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondents shall report the violation to the EPA within that different period.

14. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondents shall notify the EPA in writing within 10 days by completing the basic information form available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

15. This Order shall be binding on Respondents, his or her successors, assigns and heirs, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

16. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. Respondents shall remain obligated to comply with this Order even if

Sue Miller and Dan Miller  
(Miller Lower Mobile Home Park Water System)  
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Respondents lease or sell the System to another person or entity or contract with or hire another person or entity to operate the System.

17. Respondents shall send all reporting and notifications required by this Order to the EPA via email to both:

R8DWU@epa.gov and minter.jill@epa.gov

**GENERAL PROVISIONS**

18. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

19. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

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

Issued: February 11, 2019.

  
\_\_\_\_\_  
Amy Swanson, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
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Aaron Urdiales, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Office of Small and Disadvantaged Business Utilization (OSDBU)

[www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu](http://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu)

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman (ASBO)

[www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman](http://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman) or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance](http://www.epa.gov/compliance)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### Compliance Assistance Centers

[www.complianceassistance.net](http://www.complianceassistance.net)

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org)

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Surface Finishing

<http://www.sterc.org>

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines and Clearinghouses

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/catc](http://www.epa.gov/catc) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 1-734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu](http://www.npic.orst.edu) or 1-800-858-7378

**National Response Center Hotline** to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/p2/pollution-prevention-resources#ppic](http://www.epa.gov/p2/pollution-prevention-resources#ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

[www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline](http://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline) or 1-800-426-4791

### Toxic Substances Control Act (TSCA) Hotline

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

**Small Entity Compliance Guides**

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

**Regional Small Business Liaisons**

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

**State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

**State Small Business Environmental Assistance Programs (SBEAPs)**

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

**EPA's Tribal Portal**

[www.epa.gov/tribalportal](http://www.epa.gov/tribalportal)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

**EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

**EPA's Small Business Compliance Policy**

[www.epa.gov/enforcement/small-businesses-and-enforcement](http://www.epa.gov/enforcement/small-businesses-and-enforcement)

**EPA's Audit Policy**

[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

**Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

**Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*