



REGION 8

DENVER, CO 80202

FILED

Dec 04, 2024

12:18 pm

**U.S. EPA REGION 8
HEARING CLERK**

December 4, 2024

Ref: 8ECA-W-S

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Cottonwood Homeowners Association
c/o Mary Viktorin, President
Cottonwood Acres Public Water System

Subj: Administrative Order issued to Cottonwood Homeowners Association and Mary Viktorin regarding Cottonwood Acres Public Water System, PWS ID #WY5601233, Docket No. SDWA-08-2025-0003

Dear Ms. Viktorin:

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 violations of the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141) at the Cottonwood Acres Public Water System (System) owned and/or operated by the Cottonwood Homeowners Association and you (Respondents).

The Order is effective upon the date received. If Respondents comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to further action by the EPA, including a complaint seeking an administrative penalty, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

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 entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist Respondents in addressing the outstanding violations.

Please be aware that Respondents are required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of Respondents' schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Respondents to contact any such governmental agency or agencies regarding any applicable approval requirements. Changes to the System may require a permit from the Wyoming Department of Environmental Quality (WY DEQ). The contact person at WY DEQ for your region is Dennis Lewis. He can be reached at 307-777-7088 or dennis.lewis@wyo.gov.

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

Additionally, the Cottonwood Homeowners Association recently notified the EPA of steps it has taken to form the Cottonwood Acres Improvement and Service District. We appreciate the efforts to keep us apprised of developments. Please note that paragraph 14 of the enclosed Order requires the respondents to notify the EPA if a transfer of the System's assets occurs in the future. Paragraph 16 indicates the order is binding on any successors or assigns.

If you have any questions or to request an informal conference with the EPA, please contact Chris Brown via email at brown.christopher.t@epa.gov, or by phone at (800) 227-8917, extension 6669, or (303) 312-6669. Any questions from counsel for either or both Respondents should be directed to Peggy Livingston, Senior Assistant Regional Counsel, via email at livingston.peggy@epa.gov or by phone at (800) 227-8917, extension 6858, or (303) 312-6858.

Sincerely,

Emilio Llamozas, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division

ENCLOSURES

cc: WY DEQ/DOH (via email)
Goshen County Commissioners (mmcnamee@goshencounty.org)
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Ron Miller, Treasurer, Cottonwood Homeowners Association
John Kinberg, Chief Operator
Gary Childs, Contract Operator
Dennis Lewis, WY DEQ District Engineer (dennis.lewis@wyo.gov)
Lily Barkau, WY DEQ, Groundwater Section Manager (lily.barkau@wyo.gov)