

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2013 JUN 27 AM 10: 27

IN THE MATTER OF: )  
)  
**Mountain Village Parks, Inc.** )  
Big Piney, WY )  
PWS ID #WY5600221 )  
)  
Respondent )  
\_\_\_\_\_ )

FILED  
EPA REGION VIII  
HEARING CLERK

**Docket No. SDWA-08-2012-0026**

**ORDER TO SUPPLEMENT THE RECORD**

On April 12, 2013, pursuant to the Order to Supplement the Record issued by this Presiding Officer, Supplemental Penalty Information was submitted by Complainant, United States Environmental Protection Agency, Region 8 (EPA). This supplemental information is relevant to clarify liability findings and to determine a penalty consistent with the Environmental Appeals Board's (EAB) February 26, 2013 decision.

However, questions concerning the Complainant's proposed penalty still remain and require additional information. Specifically, the Complainant references the "Water Technical Enforcement Program protocol" several times in the Supplemental Penalty Information. Complainant neither cited to nor provided a copy of this protocol despite Complainant's reliance on it.

For example, when explaining Section 1414(b) of the SDWA, Complainant describes "other appropriate factors" as "includ[ing] economic benefit, willfulness and negligence, history of noncompliance, and duration of the violation, *consistent with the Water Technical Enforcement Program's protocol for calculating drinking water penalties.*" Comp.'s Supp. Penalty Info. 8. (emphasis added). It is important to the Presiding Officer to understand how these "other appropriate factors" are created, how they are calculated, how they are used in the context of the proposed penalty in this action, and how they conform to the findings recently remanded by the EAB.

Therefore, Complainant shall provide the referenced "Water Technical Enforcement Program protocol" and any guidance documents necessary to assist the Presiding Officer in understanding the Complainant's previously provided supplemental information and conforming to the EAB's remanding opinion.

This information shall be provided on or before **July 12, 2013**.

It is so **ORDERED** this 21<sup>st</sup> day of June, 2013.



Elyana R. Sutin  
Regional Judicial Officer

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER TO SUPPLEMENT THE RECORD** in the matter **MOUNTAIN VILLAGE PARKS, INC.; DOCKET NO.: SDWA-08-2012-0026** was filed with the Regional Hearing Clerk on June 27, 2013.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. A true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt requested on June 27, 2013, to:

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

And e-mailed to:

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

June 27, 2013



Tina Artemis  
Paralegal/Regional Hearing Clerk

