

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)		4/19/2022
)	Docket No. SDWA-08-2022-0015	11:27AM
Hilltop Funding Inc.)		
Milestone Financial LLC)	ADMINISTRATIVE ORDER	Received by
)		EPA Region VIII
Respondents)		Hearing Clerk
)		
Evergreen Properties)		
D/b/a Evergreen Mobile Home Park)		
<u>PWS ID #WY5600021</u>)		

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 official.
2. Milestone Financial LLC and Hilltop Funding, Inc. (Respondents) are corporations that own and operate the Evergreen 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 one well. The water is disinfected with sodium hypochlorite. Three hydropneumatic tanks pressurize the distribution system.
4. The System has approximately 26 service connections used by year-round residents and regularly serves an average of approximately 50 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 “persons” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12), and are subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point to the distribution System that is representative of each well after treatment once every three-year compliance period. 40 C.F.R. § 141.24(h)(4)(iii). Respondents failed to monitor the System’s water for endoathall during December 2019 and therefore, violated this requirement.
8. Respondents are required to deliver a consumer notice of individual tap monitoring results for lead and copper to the persons served at each sampled site no later than 30 days after the System learns of the tap monitoring results, in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondents are required to submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in

accordance with 40 C.F.R. § 141.90(f)(3). The EPA's record reflects that Respondents failed to deliver a consumer notice to the persons served at each sampled site and failed to submit a copy of the consumer notice and certification to the EPA for the June to September 2020 monitoring period and therefore violated this requirement.

9. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 7, above, is classified as a violation requiring Tier 3 public notice within one year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondents failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

10. Respondents are required to report any failure to comply with any Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7 and 8, above, to the EPA and therefore, violated this requirement.

ORDER

Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

11. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for endotoxin in accordance with 40 C.F.R. § 141.24(h)(4). Respondents shall report results to the EPA within the first 10 calendar days following the month in which the result is received. 40 C.F.R. § 141.31(a).

12. Within 30 calendar days after receipt of this Order, and thereafter, no later than 30 days after the System learns of the tap monitoring results, Respondents shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Within 45 days after receipt of this Order, and thereafter, within 90 calendar days following the end of each monitoring period, Respondents shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed for samples collected between June and September 2020. Respondents shall also submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed for samples collected from September 2020 to the present, in accordance with 40 C.F.R. § 141.90(f)(3). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>

13. Within 30 calendar days after receipt of this Order, Respondents shall notify the public of the violation cited in paragraph 7, above. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the notice and

certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

14. Respondents shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondents shall report within that different period.

15. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

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 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents shall remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov, and Kardeman.Lianna@epa.gov

GENERAL PROVISIONS

18. This Order is binding on Respondents, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

19. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

20. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative penalty of up to \$62,689 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 87 Fed. Reg. 1676-01 (January 2022).

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

Issued: April 19, 2022

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division