



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

8:05 am

April 23, 2021

Received by  
EPA Region VIII  
Hearing Clerk

April 23, 2021

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and via email

Daniel and Diane Alexander, Owners  
Mountain Village Parks  
P.O. Box 357  
Jamestown, Tennessee 38556  
[mvparks@wyoming.com](mailto:mvparks@wyoming.com)

Diane Alexander, Registered Agent  
Mountain Village Parks, Inc. (Administratively Dissolved)  
10411 US Highway 189  
Big Piney, Wyoming 83113  
[mvparks@wyoming.com](mailto:mvparks@wyoming.com)

Re: Administrative Order issued to Daniel and Diane Alexander regarding Mountain Village Parks Public Water System, PWS ID # WY5600221, Docket No. SDWA-08-2021-0020

Dear Mr. and Ms. Alexander:

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 you, as owners and operators of the Mountain Village Parks Public Water System (System), have violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (*e.g.*, any monitoring that may have been done but not submitted, any 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 trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$59,017 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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 you in addressing the outstanding violations.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If the System has specific COVID-19 issues that would affect the timeframes listed herein, 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 within 7 business days of receiving this Order. The EPA may, in its discretion, consider granting an extension.

If you have any questions or to discuss this Order with the EPA, please contact Jill Minter at the email and phone number provided above. Any questions from the your attorney should be directed to Matt Castelli, Senior Assistant Regional Counsel, via email at [castelli.matthew@epa.gov](mailto:castelli.matthew@epa.gov) or by phone at (800) 227-8917, extension 6491, or (303) 312-6491.

We urge your prompt attention to this matter.

Sincerely,

**COLLEEN**

**RATHBONE**

Digitally signed by  
COLLEEN RATHBONE

Date: 2021.04.23  
08:01:03 -06'00'

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

#### Enclosures

cc: Daniel and Diane Alexander, Owners, Mountain Village Parks ([mvparks@wyoming.com](mailto:mvparks@wyoming.com))  
WY DEQ/DOH (via email)  
James Brough, Northwest District Engineer, WY DEQ ([james.brough@wyo.gov](mailto:james.brough@wyo.gov))  
Alan Huston, Sublette County Sanitarian ([Alan.Huston@sublettewyo.com](mailto:Alan.Huston@sublettewyo.com))  
Sublette County Commissioners ([carrie.long@sublettewyo.com](mailto:carrie.long@sublettewyo.com))  
Melissa Haniewicz, EPA Regional Hearing Clerk

April 23, 2021

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

IN THE MATTER OF: )  
 Daniel Alexander and ) Docket No. SDWA-08-2021-0020  
 Diane Alexander, )  
 Respondents. ) **ADMINISTRATIVE ORDER**  
 Mountain Village Parks Public Water System )  
PWS ID #WY5600221 )

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. Daniel and Diane Alexander are individuals who own and operate the Mountain Village Parks Public Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated.
4. The System has approximately 90 service connections that can be used by year-round residents and regularly serves an average of approximately 53 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 radionuclides once every three years. 40 C.F.R. § 141.26(a)(3). Respondents failed to monitor the System’s water for radionuclides between January 1, 2017 and December 31, 2019, and therefore, violated this requirement.
8. Respondents are required to monitor the System’s water for inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment during every three-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondents failed to monitor the System’s water for IOCs between January 1, 2017 and December 31, 2019, and therefore, violated this requirement.
9. Respondents are required to monitor the System’s water for volatile organic contaminants (VOCs) at every entry point to the distribution system which is representative of each well after

treatment during every three-year compliance period. 40 C.F.R. § 141.24(f)(6). Respondents failed to monitor the System's water for VOCs between January 1, 2017 and December 31, 2019, and therefore, violated this requirement.

10. Respondents are required to monitor the System's water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondents failed to monitor the System's water for SOC's between January 1, 2017 and December 31, 2019, and therefore, violated this requirement.

11. 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 violations identified in paragraphs 7, 8, 9 and 10, above, are classified as violations requiring a Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondents failed to notify the public of the violations cited in paragraphs 7, 8, 9 and 10 within 1 year and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. In addition, Respondents failed to notify the public of the failure to monitor violations for nitrate in 2016, 2019 and 2020 and for total coliform in March 2017, November 2018 and March 2020 through March 2021, within 1 year and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this Tier 3 public notice requirement.

12. Respondents are required to report any failure to comply with 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, 8, 9, 10, and 11, 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):

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

14. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

15. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c).

Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

16. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for VOCs, in accordance with 40 C.F.R. § 141.24(f)(6). Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

17. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for SOCs 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 end of the required monitoring period. 40 C.F.R. § 141.31(a).

18. Within 30 calendar days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7, 8, 9 and 10, above. In addition, within 30 calendar days after receipt of this Order, Respondents shall notify the public of the failure to monitor nitrate and total coliform violations cited in paragraph 11, above. Thereafter, following any future violation of Part 141, Respondent 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>.

19. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents must 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 Part 141 specifies a different time period for reporting the particular violation, Respondents must report the violation to the EPA within that different period.

20. 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 must, 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 will remain obligated to comply with this Order.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and  
[Minter.jill@epa.gov](mailto:Minter.jill@epa.gov)

### **GENERAL PROVISIONS**

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

23. 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.

24. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil administrative penalty of up to \$59,017 (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; 85 Fed. Reg. at 83821 (December 23, 2020).

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

Issued: April 23, 2021.

**COLLEEN  
RATHBONE**

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

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