



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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February 4, 2021

February 5, 2021

10:18 AM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL READ RECEIPT REQUESTED

Mr. Scott Prusia, HOA President  
Stone Creek Homeowners Association  
(S\_prusia@yahoo.com)

Re: Violation of Scott Prusia and the Stone Creek Homeowners Association Administrative Order, Docket No. SDWA-08-2020-0034, regarding Stone Creek Homeowners Association Public Water System, PWS ID #WY5601586.

Dear Mr. Prusia:

**The purpose of this letter is to provide notice that the U.S. Environmental Protection Agency may file a complaint seeking civil administrative penalties if the violations of the above-referenced Administrative Order (Order) are not addressed immediately.** Specifically, on July 22, 2020, the EPA issued the Order, directing Scott Prusia and the Stone Creek Homeowners Association (Respondents) to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.*, at the Stone Creek Homeowners Association Public Water System (System). Our records indicate that the Respondents are in violation of the Order.

Among other things, the Order included the following requirement 9 on page 2 of the Order, which has not been completed:

- Within 30 calendar days after receipt of this Order, Respondents shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the nitrate MCL as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondents shall not begin construction or modifications to the System before the EPA has approved Respondents' Schedule.
  - a) Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

- b) Within 90 calendar days after receipt of the EPA's approval of the Schedule, 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 10th calendar day of the month following the relevant calendar quarters (e.g., April 10 for the first calendar quarter).
- c) Within 10 calendar days after completing all tasks included in the Schedule, Respondents shall notify the EPA of the project's completion.

The Respondents did submit a plan and Schedule to EPA. The plan and Schedule have been incorporated into the Order through the addendum issued September 17, 2020. However, the Respondents failed to start the project and any relevant milestones thereafter. Furthermore, the System's fourth quarter 2020 initial sample and the confirmation sample average were 12.15 mg/l, surpassing the nitrate MCL of 10 mg/l. Therefore, the Respondents failed to bring the System back into compliance with the nitrate MCL.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If you have specific COVID-19 issues that would affect the timeframes listed herein, please contact Nathan Hicks. We will consider nationwide public health developments and your specific circumstances in determining an appropriate timeline for responding to this Administrative Order Violation, while still pursuing regulatory compliance with the Safe Drinking Water Act as expeditiously as possible.

Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil 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 83820 (Dec. 23, 2020).

The EPA may choose not to file a complaint seeking civil penalty if you do not incur any additional violations and if you provide the EPA with notice of completion or a revised plan and Schedule regarding the above-referenced violations within 30 calendar days.

If you or the HOA has any questions or to request an informal conference with the EPA, please contact Nathan Hicks via email at [hicks.nathaniel@epa.gov](mailto:hicks.nathaniel@epa.gov), or by phone at (800) 227-8917, extension 6546, or (303) 312-6546. Any questions from the HOA attorney should be directed to Shaula Eakins, Senior Assistant Regional Counsel, via email at [eakins.shaula@epa.gov](mailto:eakins.shaula@epa.gov) or by phone at (800) 227-8917, extension 6317, or (303) 312-6317.

We urge your prompt attention to this matter.

**COLLEEN RATHBONE** Digitally signed by COLLEEN  
RATHBONE  
Date: 2021.02.04 15:46:57 -07'00'

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