



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
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JUL 18 2018

2018 JUL 18 PM 2:10

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Carl Ray Pace
Cozy Mobile Home Park Public Water System
1575 E. Monroe Avenue #72
Riverton, Wyoming 82801

Re: Administrative Order regarding Cozy Mobile Home Park Public Water System,
PWS ID # WY5600181, Docket No. **SDWA-08-2018-0026**

Dear Mr. Pace:

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 owner and/or operator of the Cozy Mobile Home Park Public Water System (System), have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 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.

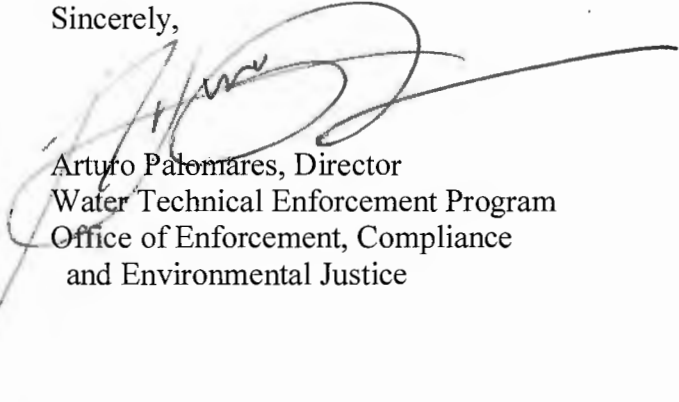
If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties and/or a federal court injunction ordering compliance.

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 governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal via email at carballal-broome.christina@epa.gov or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: WY DEQ/DOH (via email)
Freemont County Commissioners (travis.becker@freemontcountywy.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Carl Ray Pace,)
(Cozy Mobile Home Park Public Water System))
PWS ID # WY5600181)
)
Respondent)

Docket No. **SDWA-08-2018-0026**

ADMINISTRATIVE ORDER

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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 officials.
2. Carl Ray Pace (Respondent) is an individual who owns and/or operates the Cozy Mobile Home Park Public Water System (System), which provides piped water to the public in Freemont County 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 72 service connections and/or regularly serves an average of approximately 200 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. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are “applicable requirements” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System’s water annually for nitrate at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. § 141.23(a) and (d). Respondent failed to monitor the System’s water for nitrate during 2017 and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water triennially for lead and copper. 40 C.F.R. § 141.86(d)(1)(ii)(B) and (d)(4)(iii). Respondent monitored the System’s water for lead and copper in 2011, and the next sampling was required between June 1, 2014, and September 30, 2014. Respondent failed to monitor the System’s water for lead and copper during 2014 and, therefore, violated this requirement. Respondent subsequently monitored in 2015 and 2016.
9. Respondent is required to monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during November and December 2017, and January and April 2018 and, therefore, violated this requirement.

10. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year and to certify to the EPA that Respondent has done so. 40 C.F.R. §§ 141.151-141.155. Among other things, the CCR must include information on drinking water violations that occurred during the year covered by the report. 40 C.F.R. § 141.153. Respondent failed to include the violation listed in paragraph 8, above, in the CCR for 2014 and, therefore, violated this requirement. Respondent also failed to prepare and deliver an annual CCR for 2017 to the System's customers and to the EPA. Therefore, Respondent violated these requirements.

11. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8 and 10, above, to the EPA and, therefore, violated this requirement.

12. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 9, above, to the EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

13. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate, in accordance with 40 C.F.R. § 141.23(a) and (d).

14. Between June 1, 2019, and September 30, 2019, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA, in accordance with the System's tap sample site plan, as required by 40 C.F.R. § 141.86(a)-(d). Within 30 days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 CFR 141.85(d). Within 90 days following the end of each monitoring period, Respondent shall 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 CFR 141.90(f)(3).

15. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first 10 days following the end of the System's required monitoring period. See 40 C.F.R. § 141.31(a). Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

16. Within 30 days after receipt of this Order, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System for 2017 and distribute the CCR to the System's customers and the EPA. Respondent shall also certify to the EPA by October 1, 2018, that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

17. All 2018 violations identified in paragraph 9 must be included in the next CCR due no later than July 1, 2019. Thereafter, following future violations of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 10 C.F.R. part 141, subpart Q.

18. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall 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 the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

19. This Order shall be binding on Respondent, his successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

20. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within 10 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, Respondent shall remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

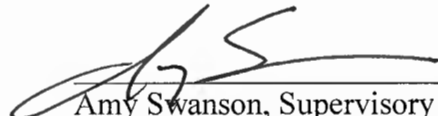
22. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

23. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

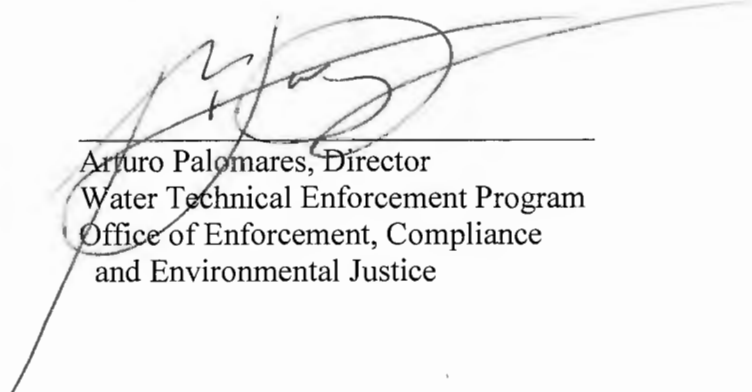
Carl Ray Pace
Cozy Mobile Home Park Public Water System
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24. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

Issued: July 18, 2018.



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice