



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

April 28, 2020

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Emil Pendleton, Registered Agent and Vice President
Ward Creek Landowners Association
easkp@outlook.com

Re: Violation of Ward Creek Landowners Association Administrative Order, Docket No. SDWA-08-2018-0034, Ward Creek Landowners Association Public Water System, PWS ID # WY5600850

Dear Mr. Pendleton:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties. Specifically, on September 13, 2018, the EPA issued the above-referenced Administrative Order (Order), directing the Ward Creek Landowners Association (Ward Creek), to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act (Act), 42 U.S.C. section 300f, *et seq.* Our records indicate that Ward Creek is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 13 and 15 on pages 2 and 3 of the Order), which have not been fulfilled:

- Within 60 days of receipt of the Order, Respondent shall confirm the condition of the storage tank (ST01) air vent and hatch and, if corrective action is needed, complete corrective action and provide evidence of completion to the EPA, including photographs. Specifically, the roof vent must be covered by a #24-mesh screen and the access hatch must have a gasket.
- Within 30 days of receipt of the Order, Respondent shall prepare and distribute Consumer Confidence Reports (CCR) for 2015 and 2016, which include information on drinking water violations that occurred during the year covered by the report, and provide delivery certification to the EPA.

In other words, our records indicate that Ward Creek has not confirmed the integrity of the former storage tank (ST01) air vent and hatch nor, following replacement of the storage tank (ST01) with a new storage tank, submitted a *Water System Change Form* and photographs notifying the EPA of this change. In addition, Ward Creek did not prepare and distribute the 2015 and 2016 CCRs and has not provided a copy of these CCRs and delivery certifications to the EPA.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (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 1754 (January 13, 2020).

Please note that the EPA may choose not to file a complaint seeking civil penalties if Ward Creek incurs no additional violations of the Order and provides the EPA with the following:

- 1) Within 30 days after receipt of this Administrative Order Violation, documentation that the previous storage tank is no longer connected to the system and a new storage tank has been installed by submitting a *Water System Change Form* which is enclosed and also available at <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#chg>; and
- 2) By July 1, 2020, copies of the 2015 and 2016 CCRs along with delivery certifications.

Please send the completed *Water System Change Form*, electronic copies of the 2015 and 2016 CCRs, and delivery certifications to the EPA via email at: R8DWU@epa.gov and minter.jill@epa.gov.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If Ward Creek has specific COVID-19 issues that would affect the timeframes listed herein, please contact Jill Minter via email at minter.jill@epa.gov or by phone at (303) 3126084 or (800) 227-8917 extension 6084 by May 10, 2020. 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.

For assistance with actions necessary to come into compliance, please reach out to Jill Minter via email or phone at the aforementioned contact information. If Ward Creek is represented by an attorney, please ask the attorney to direct any legal questions or comments to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (303) 312-6554 or (800) 227-8917 extension 6554.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

cc: WY DEQ/DOH (via email)
Campbell County Commissioners (RRB01@ccgov.net; MAC01@ccgov.net)
Melissa Haniewicz, EPA Regional Hearing Clerk
Rodney Maki, Designated Operator, rodneymaki@yahoo.com
Aaron Maki, Operator, armor_services@yahoo.com