



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Phone 800-227-8917
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June 23, 2021

12:57 pm

June 23, 2021

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Ms. Anita Swope, Owner
Mr. Jay Skellenger, Operator
Hot Springs Court Public Water System
dylanskellenger21@gmail.com

Re: Administrative Order regarding the Hot Springs Court Public Water System, PWS ID #083090312, Docket No. SDWA-08-2021-0029

Dear Ms. Swope and Mr. Skellenger:

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, Anita Swope, as owner, and Jay Skellenger, as operator, of the Hot Springs Court 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.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of your schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

You are required to notify the public quarterly by completing public notices (PNs) until the fluoride maximum contaminant level violation and the sanitary defect violation are resolved. Please submit a copy of the completed PNs along with certification to the EPA each quarter.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If the Hot Springs Court Public Water System 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 (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 your attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, 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,

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

Enclosures

cc: Melissa Haniewicz, EPA Regional Hearing Clerk
Wilhelmina Keenan, Environmental Director (willie.keenan@cskt.org)
Shawn Sorenson, Sanitarian (ssorenson@co.sanders.mt.us)
Dylan Skellenger, Water System Manager (dylanskellenger21@gmail.com)
Makenzie Skellenger, Water System Contact (makenziskellenger98@gmail.com)