

June 21, 2024

Christina Carballal-Broome  
SDWA Enforcement Unit  
Environmental Protection Specialist  
USEPA Region 8 (8ECA-W-S)  
1595 Wynkoop Street  
Denver, CO 80202-8917

FILED

6/24/2024

5:05 PM

U.S. EPA REGION 8  
HEARING CLERK

Re: Stone Creek Water System (PWS ID #WY5601586) Administrative Order  
SDWA-08-2020-0034 Completion Report

Dear Christina:

In response to the Administrative Order for the aforementioned Public Water System (PWS) as well as specifically the third Addendum (dated February 3, 2022) to the Administrative Order issued to the Stone Creek Homeowners Association July 22, 2020, the EPA Notice letter dated August 1, 2023, and the Signed Complaint and Notice of Opportunity for Hearing document dated May 29, 2024, please accept the following as Stone Creek HOA's final "Completion Report" and response, noted within your email dated May 22, 2024.

**Completion of Accepted Administrative Order Mitigation Plan Narrative:**

The HOA would like to take this opportunity to state that they view themselves as 100% compliant with the original Administrative Order and in complete compliance with EPA at this current time. The HOA has documented their mitigation efforts and demonstrated extreme financial burden in completing these requirements outlined by the EPA. The HOA has fully complied with the "Plan" agreed upon by all parties in mitigating the Administrative Order. The HOA has fully installed and is operating the specified reverse osmosis water treatment system agreed upon within the "Plan." There are no other items remaining within the accepted "Plan" that require further efforts by the HOA, and as a result would like to file this answer and the required "other" documents to end and provide complete resolution to the Complaint and Notice of Opportunity for Hearing Docket No. SDWA-08-2024-0031 dated May 29, 2024. Should this "Completion Report" and accompanying documentation not fully satisfy and dissolve this action, please make us aware immediately.

It should be noted that since the last "Progress Report" dated October 10, 2023, the Stone Creek HOA has continued to work toward adding the reverse osmosis treatment system onto their water distribution system, and was finally ultimately successful in that endeavor on May 16<sup>th</sup> 2024. The HOA has taken on extensive financial liability as a result of completing the necessary improvements to its water system in order to comply with the accepted Administrative Order Mitigation Plan.

The following narrative shall outline the efforts taken on since October of 2023 (last Progress Report submitted to EPA) up to May 16<sup>th</sup> 2024 when the system was placed into full operation.

In October of 2023 following additional pressures placed upon the HOA by yourself and EPA, despite the HOA clearly demonstrating the lack of competent Contractor's willingness to take on

this work, the HOA had no choice, but to move forward completely desperate and acquiescent of simple work Contracts as opposed to hiring a true General Contractor under the Contract Documents completed by our Engineer. This resulted in the project being split up into individual and separate Contracts, and resulted in the HOA not hiring a true General Contractor per the original intent of the Contract Documents completed. This without a doubt resulted in dire financial consequences to the HOA in getting the required “Plan” work completed. As a result of that pressure, the HOA contracted with Gering Valley Plumbing out of Gering, Nebraska to complete the work, but **not** working as a General Contractor. In total the HOA has paid Gering Valley Plumbing over \$133,000.00 to complete this work over this time period. Statements, proposals, and invoices supporting this cost are attached to this report for simplicity.

In November of 2023 it was discovered that the distribution system was separated underground, contrary to previous operator and developer statements. This required that in order for any treatment system to function properly within the HOA’s distribution system that the system must be tied together. All treatment systems, including this reverse osmosis system, require that the system is continuous and not separated into exclusive zones only accessible through the pump house. The HOA, immediately and without delay, hired Long’s Excavation to complete this work in their distribution system. This was again another instance where the HOA was not afforded an opportunity to wait for a more economical Contractor to free up for this work. The HOA tried to hire several others, but the timeframe was not conducive to the pressure placed upon the HOA by the EPA. As a result the HOA hired Long’s Excavation to complete this work, and again resulted in dire financial consequences. To tie two points of distribution together the HOA was charged \$56,404.00. Statements, proposals, and invoices supporting this cost are attached to this report for simplicity.

Through December, January, and February, Gering Valley Plumbing continued working on the improvements detailed within the approved “Plan.” We continued to deal with delays on materials throughout this process. However, we made certain that things were always moving forward.

We scheduled for and completed our start up services with Complete Water (Treatment Equipment Supplier) on site in early March. This process took lots of time and effort due to some issues with completions of work as we didn’t have a true General Contractor. As a result there was a lot of spinning of wheels and paying of start up technicians to troubleshoot things that should have been done prior to start up. Again, this is a direct correlation to the pressure and rushing of this process from EPA. This was again costly financially as a result of not having a true General Contractor on board.

Through this process it was again discovered that the underground piping was not per previous operators and developers descriptions. In fact, it was eventually discovered that the system was plumbed underground completely opposite of the initial understanding. As a result, in April the HOA had to start chasing down unknown tie in points below ground (under pavements, buildings, driveways, etc.) within their distribution system. This was necessary as no add on treatment system could operate with the system plumbed the way it was. This too again took up financial resources and time, but the HOA was diligent in pushing through to completion and ultimate compliance with the agreed upon “Plan.”

Finally, in mid May (May 16<sup>th</sup>) the system was finally operational, and able to send treated water to distribution on a continuous basis. It was at this point that the HOA had fully complied with the Administrative Order and the agreed upon mitigation “Plan” thereof.

It is important to point out and remember that the HOA had to build a new structure to house the proposed treatment system and equipment as the initial pump house was not big enough. This effort cost the HOA roughly \$35,000.00.

The HOA also had to purchase the reverse osmosis equipment to make this “Plan” a reality. Including some startup services, this effort cost the HOA over \$52,000.00

It is of equal importance to note that the HOA hired an Engineer as necessary in this process. The HOA couldn't complete the EPA's required improvements without an Engineer licensed in the State of Wyoming. The HOA has paid over \$40,000.00 for Engineering throughout this process.

Also, just so it is stated, the HOA also had to hire and pay an Electrician (Pittman Electric) to complete the electrical work associated with this project. Although the owner is a resident of Stone Creek, and tried to keep costs down as much as possible, this still cost the HOA over \$15,000.00.

That said, and in an effort to demonstrate the HOA's commitment and desire to be fully compliant with the EPA and its Administrative Order, the HOA has spent over \$330,000.00 to date.

#### **Pictures of Completion of Accepted Administrative Order Mitigation Plan:**

The HOA has also provided numerous pictures of the improvements as noted as being required within your email dated May 22, 2024. A short description or narrative is provided with each picture.





**Long's Excavation tying distribution system together (Location 1)**



**Long's Excavation tying distribution system together (Location 2)**





**New Treatment System Blend Tank Installed**



**New Treatment System Pressure Tanks and High Service Pumps Installed**

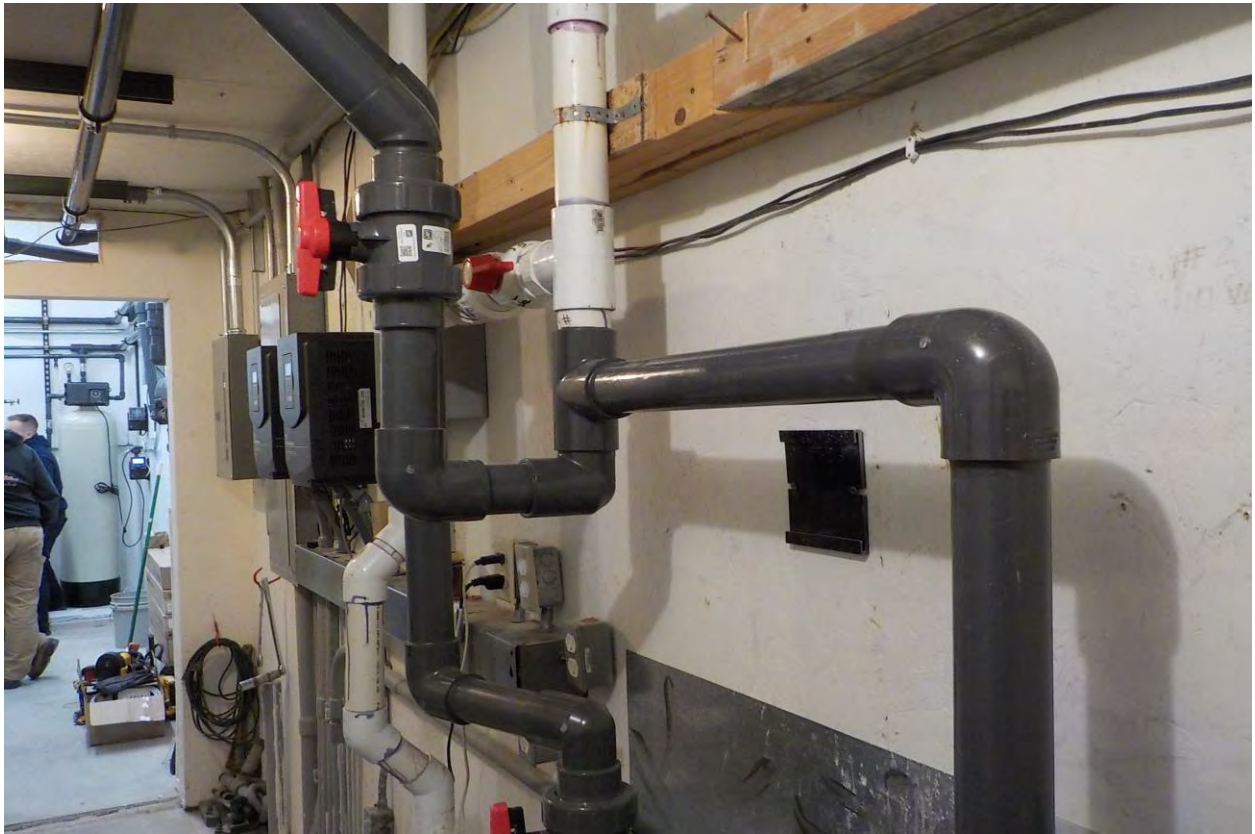


**New Treatment System High Service Pump Skid Installed**



**New Treatment System Reverse Osmosis & Pre-Filter Installed**





**Sitting in Existing Pump Building Looking into New Treatment Addition/Modified Piping Within Existing Pump Building**



**Complete Water & Contractors at Start Up**



**Complete Water Tech Working through Issues at Start Up**



**Complete Water at Start Up Still Troubleshooting/RO Skid Installed**





**Digging up System Looking For Tees in Existing System**



**Digging up System Looking For Tees in Existing System**



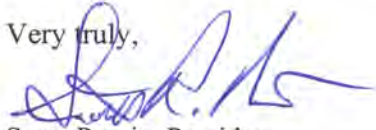
**Additional Attachments:**

The HOA, in further efforts and attempts to be fully compliant with the EPA has also included and attached to this report for simplicity the Wyoming Department of Environmental Quality Certification of Completion required as part of the Notification of Coverage required for this project. In addition, also completed and attached to this report for simplicity is the "EPA Region 8 – Significant Deficiency Correction Notice" form noted as required within your email dated May 22, 2024.

In conclusion, we would encourage any and all at EPA to visit the site and walk through the improvements required of us to be compliant with our Administrative Order and resulting mitigation "Plan."

If you have any questions or require additional information, please do not hesitate to contact us.

Very truly,



Scott Prusia, President  
Stone Creek Homeowners Association

cc: Regional Hearing Clerk Region 8  
Margaret J. (Peggy) Livingston, Enforcement Attorney



# GERING VALLEY

## PLUMBING & HEATING

**For All Your Plumbing, Heating & Air Conditioning Needs**

1100 10<sup>th</sup> Street  
Gering, NE 69341

P.O. Box 177  
Phone (308) 436-4622  
Fax (308) 436-3227

---

### Proposal

October 6, 2023

Stone Creek Homeowners  
Stone Creek  
Torrington Wy, 82240

**We hereby submit specifications and estimates for: water piping of water treatment system.**

**Above includes installation of owner provided water treatment system per blueprints provided. Also included is all Sch 80 pvc piping, fittings, ball valves, hanging material, rubber isolation clamps, potable water safe glue and cleaner. Also included is the labor need to install equipment, piping and start up of system.**

**Original Total Investment \$64,300 (Sixty-Four Thousand, Three Hundred Dollars and NO Cents.)**

**Additional investment after checking equipment already purchased and meeting with engineers. Additional investment includes 2" water meters, concrete for pads and moving of floor drain, 3 powered valve and piping, control sequence equipment, tank float installation, piping identification labels.**

**Additional Investment: \$18,400 (Eighteen Thousand, Four Hundred Dollars and No Cents)**

**Total Project \$82,700 (Eighty-Two Thousand Seven Hundred Dollars and No Cents)**

**Please note that if any equipment or material is missing additional cost be added to able investment.**

All quotes subject to Nebraska sales tax.

**Payment to be made as follows:** Payment in full upon completion.

**We accept Visa, MasterCard and Discover.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to local codes. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.



Authorized Signature: \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within 30 Days.

**Acceptance of proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlines above.

Date of Acceptance: \_\_\_\_\_ Signature: \_\_\_\_\_





# GERING VALLEY

## PLUMBING & HEATING

**For All Your Plumbing, Heating & Air Conditioning Needs**

1100 10<sup>th</sup> Street  
Gering, NE 69341

P.O. Box 177  
Phone (308) 436-4622  
Fax (308) 436-3227

---

### Proposal

March 29, 2024

Stone Creek Homeowners  
Stone Creek  
Torrington Wy, 82240

**We hereby submit specifications and estimates for: VFD installation and digging.**

#### **Option #1 VFD's**

**Above includes installation of 2-3hp VFD pump drivers, tees for pressure transducer, transducers, programing and start up of drives.**

**Total Investment: \$11,300 (Eleven Thousand, Three Hundred Dollars and NO Cents)**

#### **Option #2 Digging**

**Above includes digging to locate piping that valves need to be installed on.**

**Total Investment: \$2,700 (Two Thousand, Seven Hundred Dollars and no Cents)**

**Please note that we will complete a bid on installation of valves and backfilling after pipes are located in above work.**

All quotes subject to Nebraska sales tax.

**Payment to be made as follows:** Payment in full upon completion.

**We accept Visa, MasterCard and Discover.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to local codes. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature: \_\_\_\_\_



Note: This proposal may be withdrawn by us if not accepted within 30 Days.

**Acceptance of proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlines above.

Date of Acceptance: \_\_\_\_\_ Signature: \_\_\_\_\_







Gering Valley Plumbing & Heating  
1100 10th St  
Gering, NE 69341  
(308) 436-4622

Invoice 61649066  
Invoice Date 5/16/2024  
Completed Date 5/16/2024  
Technicians Albert Barron  
Josh Schlaepfer  
Juan Villalobos  
TsimNuj Vang

**Billing Address**  
Stone Creek Home Owners  
161 Rocky Road  
Torrington, WY 82240 USA

**Customer PO**  
**Payment Term** Due Upon Receipt  
**Due Date** 5/16/2024  
**Job Address**  
Stone Creek Home Owners  
Stone Creek  
Torrington, WY 82240 USA

#### Description of Work

We started by digging out where they cut the concrete, we dug 4 foot 7" and found the 6" water main. We dug around it exposing the pipe, we then drilled a 1 inch hole in it to drain out the water, we then took measurement and cut out enough for our shut off, hooked everything up and pressure tested, found no leaks. We then packed around the pipes to make sure it doesn't settle.

We backfilled the hole in the street and tamped it every 6 inches so that it would not settle, coned and taped off the hole, so nobody would run into it

We swept and took pictures of everything that was done and disconnected pump number three. Also we disconnected piping near well head 1 to feeder line that runs to the South, back filled in around all well heads. Also did testing of system to make sure system would operate. Discovered that new 6" valve that we installed is actually the line for the main water feed for the system.

Task #	Description	Quantity	Your Price	Your Total
General Material	Material & Labor	1.00	\$13,200.00	\$13,200.00
Cost of Sales:Subcontracts*	Cost of Sales:Subcontracts	1.00	\$1,900.00	\$1,900.00

**Sub-Total** \$15,100.00

**Tax** \$0.00

**Total Due** \$15,100.00

**Balance Due** \$15,100.00

Thank You For Choosing Gering Valley Plumbing and Heating! Rescuing Customers Since 1987!

I authorize you to do the work for the agreed upon amount: \$0.00.

I understand that GVPH is a COD company and payment is expected at time of service being completed. Any unpaid balance exceeding 30 days will be subject to a monthly 1.25% finance fee.

Per [Signature]

5/8/2024

I acknowledge that the work has been done to my satisfaction.

Per [Signature]

5/8/2024



Gering Valley Plumbing & Heating  
1100 10th St  
Gering, NE 69341  
(308) 436-4622

Invoice 61649066  
Invoice Date 5-31-2024  
Completed Date 5-31-2024  
Technicians  
Josh Schlaepfer

**Billing Address**  
Stone Creek Home Owners  
161 Rocky Road  
Torrington, WY 82240 USA

**Customer PO**  
**Payment Term** Due Upon Receipt  
**Due Date** 6-5-2024  
**Job Address**  
Stone Creek Home Owners  
Stone Creek  
Torrington, WY 82240 USA

**Description of Work**

Installed 2 VFD Drives for water system. Also Installed piping to locate pressure transducers Tested drives and both drives are producing proper pressure.

Task #	Description	Quantity	Your Price	Your Total
General Material	Material & Labor	1.00	\$ 12,800	\$: 12,800
				Sub-Total \$12,800
				Tax \$0.00
				Total Due \$12,800
				Balance Due \$12,800

Thank You For Choosing Gering Valley Plumbing and Heating! Rescuing Customers Since 1987!

I authorize you to do the work for the agreed upon amount: \$0.00.  
I understand that GVPH is a COD company and payment is expected at time of service being completed. Any unpaid balance exceeding 30 days will be subject to a monthly 1.25% finance fee.





Gering Valley Plumbing & Heating  
1100 10th St  
Gering, NE 69341  
(308) 436-4622

Invoice Date 3/26/2024  
Completed Date 3/26/2024  
Technicians  
Josh Schlaepfer

Billing Address  
Stone Creek Home Owners  
161 Rocky Road  
Torrington, WY 82240 USA

Customer PO  
Payment Term Due Upon Receipt  
Due Date 4/2/2024  
Job Address  
Stone Creek Home Owners  
Stone Creek  
Torrington, WY 82240 USA

#### Description of Work

START-UP of WATER SYSTEM.

Task #	Description	Quantity	Your Price	Your Total
GL1	General Labor/Material	1.00	\$10,000	\$10,000

Amount  
\$10,000

Sub-Total \$10,000  
Tax \$0.00  
Total Due \$10,000

Thank You For Choosing Gering Valley Plumbing and Heating! Rescuing Customers Since 1987!

I authorize you to do the work for the agreed upon amount: \$10,000

I understand that GVPH is a COD company and payment is expected at time of service being completed. Any unpaid balance exceeding 30 days will be subject to a monthly 1.25% finance fee.

I acknowledge that the work has been done to my satisfaction.



# LONG'S EXCAVATION & CONSTRUCTION, INC.

**KYLE D. LONG**  
4744 Road 74  
Torrington, WY 82240

Phone: (307) 532-3608  
Fax: (307) 532-3807

## INVOICE

*Paid*

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
11/10/2023	3812*

TERMS	DUE DATE	PROJECT
Due on receipt	11/10/2023	6" Water Main

DESCRIPTION	AMOUNT
Pebble Lane 6" Water Main Tee Replacement with 6' Gated Valve 10/30/23: Excavated on the right of way to tunnel back under the pavement to locate the 6" water line. Exposed 6" water line. Cut pavement and hauled away. Operator: 8 hrs @ \$150.00/hr Laborer: 8 hrs @ \$40.00/hr SK35 Excavator: 8 hrs @ \$100.00/hr Dump Truck: 6 hrs @ \$75.00/hr	1,200.00 320.00 800.00 450.00
10/31/23: Exposed 6" water main. Completed hauling pavement away. Operator: 8 hrs @ \$150.00/hr 2 Laborers: 8 hrs @ \$40.00/hr X 2 SK35 Excavator: 8 hrs @ \$100.00/hr Dump Truck: 4 hrs @ \$75.00/hr Concrete Saw: 50' @ \$2.20/ft	1,200.00 640.00 800.00 300.00 110.00
11/01/23: Finished exposing the 6" water main. Cut more pavement to expose more pipe. Operator: 6.5 hrs @ \$150.00/hr 2 Laborers: 6.5 hrs @ \$40.00/hr X 2	975.00 520.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

Email: [kyle@Longs-Excavation.com](mailto:kyle@Longs-Excavation.com)  
Web Site: [www.Longs-Excavation.com](http://www.Longs-Excavation.com)

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
11/10/2023	3812*

TERMS	DUE DATE	PROJECT
Due on receipt	11/10/2023	6" Water Main

DESCRIPTION	AMOUNT
SK35 Excavator: 6 hrs @ \$100.00/hr	600.00
Dump Truck: 2 hrs @ \$75.00/hr	150.00
11/02/23: Located available piping and materials. Northwest Pipe delivered. Operator: 4 hrs @ \$150.00/hr	600.00
11/03/23: Drained down the 6" water main. Placed gate valve and Tee in 6" line. Operator: 9.5 hrs @ \$150.00/hr	1,425.00
2 Laborers: 9.5 hrs @ \$40.00/hr X 2	760.00
SK35 Excavator: 9.5 hrs @ \$100.00/hr	950.00
SK45 Excavator: Used very little. Available for back up emergency. No Charge	0.00
1 Ton Truck w/ Tools: 9.5 hrs @ \$35.00/hr	332.50
11/06/23: Backfilled and compacted the hole. Set shut off riser. Operator: 2 hrs @ \$150.00/hr	300.00
SK35 Excavator: 2 hrs @ \$100/hr	200.00
11/07/23: Backfilled and compacted. Hauled in base. Formed for concrete.	
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	



# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
11/10/2023	3812*

TERMS	DUE DATE	PROJECT
Due on receipt	11/10/2023	6" Water Main

DESCRIPTION	AMOUNT
Operator: 8 hrs @ \$150.00/hr	1,200.00
Laborer: 8 hrs @ \$40.00/hr	320.00
SK35 Excavator: 8 hrs @ \$100.00/hr	800.00
Large Plate Tamper: 8 hrs @ \$35.00/hr	280.00
11/08/23: Placed rebar and poured concrete. Hauled excess dirt off site.	
Operator: 2 hrs @ \$150.00/hr	300.00
Laborer: 2 hrs @ \$40.00/hr	80.00
Dump Truck: 2 hrs @ \$75.00/hr	150.00
MATERIALS:	
6" x 20' C900 Pipe	
Mega Lugs	
6" Gate Valve	
Sleeve and Tee	
Base and Rebar	
5 yards 47B Concrete w/ 1 1/4% Liquid Cal	
Freight	
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
11/10/2023	3812*

TERMS	DUE DATE	PROJECT
Due on receipt	11/10/2023	6" Water Main

DESCRIPTION	AMOUNT
Materials	6,145.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b> \$21,907.50	



# LONG'S EXCAVATION & CONSTRUCTION, INC.

KYLE D. LONG  
4744 Road 74  
Torrington, WY 82240

Phone: (307) 532-3608  
Fax: (307) 532-3807

## RATE SCHEDULE

Effective 01-01-2023

Page 1

### LABOR:

Operator.....\$150.00/hr  
Laborer.....\$ 40.00/hr

### EQUIPMENT:

Excavator – SK35.....\$100.00/hr  
Excavator – SK45 Kobelco w/ Breaker.....\$325.00/hr  
Skidsteer.....\$ 75.00/hr  
Large Plate Tamper.....\$ 35.00/hr  
Concrete Saw.....\$ 2.20/ft  
1 Ton Truck/w Tools & Generator.....\$ 35.00/hr  
Dump Truck (5 yd).....\$ 75.00/hr





# LONG'S EXCAVATION & CONSTRUCTION, INC.

**KYLE D. LONG**  
 4744 Road 74  
 Torrington, WY 82240

Phone: (307) 532-3608  
 Fax: (307) 532-3807

## INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
11/13/23: Hauled equipment onsite. Began excavating near the manhole in the barrow ditch to locate the 6" water main. Located line. Hauled dirt to empty lot. Operator: 7 hrs @ \$150.00/hr 2 Laborers: 7 hrs @ \$40.00/hr X 2 SK35 Excavator: 7 hrs @ \$100.00/hr Dump Truck: 7 hrs @ \$75.00/hr	1,050.00 560.00 700.00 525.00
11/14/23: Continued excavating east a short distance to locate the "Y". Then it was decided to excavate west under the drainage abutement on the east side of the driveway. Began to cut and breakout the driveway. Hauled concrete off site. Operator: 7 hrs @ \$150.00/hr Laborer: 7 hrs @ \$40.00/hr Laborer: 6 hrs @ \$40.00/hr SK35 Excavator: 7 hrs @ \$100.00/hr SK45 Excavator w/ Breaker: 3 hrs @ \$325.00/hr Dump Truck: 7 hrs @ \$75.00/hr	1,050.00 280.00 240.00 700.00 975.00 525.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
11/15/23: Dug across the drive, uncovered two service corps to the houses. Located the separated 6" line. Cut asphalt and hauled away.	
Operator: 7 hrs @ \$150.00/hr	1,050.00
Laborer: 7 hrs @ \$40.00/hr	280.00
SK35 Excavator: 7 hrs @ \$100.00/hr	700.00
Dump Truck: 7 hrs @ \$75.00/hr	525.00
Concrete Saw: 87 ft @ \$2.20/ft	191.40
11/16/23: Excavated dirt around pipe to make connection. Hauled dirt away. Backfilled the east side of the trench on the driveway.	
Operator: 3.5 hrs @ \$150.00/hr	525.00
Laborer: 3.5 hrs @ \$40.00/hr	140.00
SK35 Excavator: 3.5 hrs @ \$100.00/hr	350.00
Dump Truck: 3 hrs @ \$75.00/hr	225.00
Large Plate Tamper: 2 hrs @ \$35.00/hr	70.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
11/17/23: Finished exposing the pipe once the water was shut off. Cut the 6" line. Drained the water down. Cut out the blinded pipe in order to make the loop. Assembled the connections. Placed the thrust block and wrapped the connections with black plastic. Backfilled to the top of the pipe.	
Operator: 9 hrs @ \$150.00/hr	1,350.00
Laborer: 9 hrs @ \$40.00/hr	360.00
SK35 Excavator: 4 hrs @ \$100.00/hr	400.00
Dump Truck: 2 hrs @ \$75.00/hr	150.00
1 Ton Truck w/ Tools: 9 hrs @ \$35.00/hr	315.00
11/20/23: Excavated bell holes to set the 6" gate valve with a 12" sleeve and mega lugs. Set curb box. Began to backfill and compact driveway.	
Operator: 7.5 hrs @ \$150.00/hr	1,125.00
2 Laborers: 7.5 hrs @ \$40.00/hr X 2	600.00
SK35 Excavator: 7.5 hrs @ \$100.00/hr	750.00
Skidsteer: 3 hrs @ \$75.00/hr	225.00
Dump Truck: 3 hrs @ \$75.00/hr	225.00
1 Ton Truck w/ Tools: 4.5 hrs @ \$35.00/hr	157.50
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	



# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
11/21/23: Backfilled driveway. Hauled in two loads of dry dirt. Compacted. Hauled in one load of base. Compacted. Prepared for concrete on half of the east side of driveway. Placed dry dirt in east ditch. Compacted.	
Operator: 8 hrs @ \$150.00/hr	1,200.00
Laborer: 5 hrs @ \$40.00/hr	200.00
SK35 Excavator: 7 hrs @ \$100.00/hr	700.00
Skidsteer: 4 hrs @ \$75.00/hr	300.00
Large Plate Tamper: 7 hrs @ \$35.00/hr	245.00
Dump Truck: 5 hrs @ \$75.00/hr	375.00
1 Ton Truck w/ Tools/Generator: 4 hrs @ \$35.00/hr	140.00
11/22/23: Placed rebar. Poured 2.75 yards 6-sack concrete on east side of driveway. Hauled off excess concrete. Prepared west side of driveway for concrete.	
Operator: 5.5 hrs @ \$150.00/hr	825.00
2 Laborers: 5.5 hrs @ \$40.00/hr X 2	440.00
Dump Truck: 1 hr @ \$75.00/hr	75.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
11/27/23: Removed snow from concrete tarps. Partially backfilled trench with Skidsteer. Hauled six buckets of dirt from stockpile on empty lot. Hauled in two loads dry dirt with dump truck. Tamped around curb box. Operator: 5 hrs @ \$150.00/hr Laborer: 2 hrs @ \$40.00/hr SK35 Excavator: 3 hrs @ \$100.00/hr Skidsteer: 2 hrs @ \$75.00/hr Dump Truck: 3 hrs @ \$75.00/hr	750.00 80.00 300.00 150.00 225.00
11/28/23: Backfilled abutement with culvert and set splash pan. Began preparation for concrete. Operator: 4 hrs @ \$150.00/hr 1 Ton Truck w/ Tools: 2 hrs @ \$35.00/hr	600.00 70.00
11/29/23: Poured 4.5 yards concrete on west side of driveway. Completed preparation for concrete for the drainage abutement. Operator: 6.5 hrs @ \$150.00/hr 2 Laborers: 6.5 hrs @ \$40.00/hr X 2	975.00 520.00
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
1 Ton Truck w/ Tools: 3 hrs @ \$35.00/hr	105.00
11/30/23: Placed rebar and poured 3.25 yards concrete for drainage abutement.	
Operator: 7 hrs @ \$150.00/hr	1,050.00
Laborer: 7 hrs @ \$40.00/hr	280.00
1 Ton Truck w/ Tools: 4 hrs @ \$35.00/hr	140.00
12/05/23: Stripped concrete forms. Backfilled and cleaned up sight.	
Operator: 5 hrs @ \$150.00/hr	750.00
Laborer: 5 hrs @ \$40.00/hr	200.00
SK35 Excavator: 2 hrs @ \$100.00/hr	200.00
Skidsteer: 1 hr @ \$75.00/hr	75.00
1 Ton Truck w/ Tools: 4 hrs @ \$35.00/hr	140.00
<b>WATER MAIN MATERIALS</b>	
1 - 6" Gate Valve w/ 6' Valve Box	
2 - 6" x 12" MJ Sleeve	
1 - 6" x 45* MJ	
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b>	

# INVOICE

CUSTOMER
STONE CREEK HOA TORRINGTON, WY 82240

DATE	INVOICE NO.
12/14/2023	3816

TERMS	DUE DATE	PROJECT
Due on receipt	12/14/2023	6" Water Main-Rocky Road

DESCRIPTION	AMOUNT
13 - 6" Mega Lugs 10' - 6" C900 pipe billed from other water main work-No Charge 1 - 2' x 3' x 8" Concrete Thrust Block  CONCRETE AND FORMING MATERIALS 7.5 Yards 6 Sack 1% Cal 3.5 Yards 6 Sack 1% Cal w/ Fiber Rebar Forming Materials 20 yards dry dirt 7 yards Grading W Base w/ Freight MATERIALS	7,069.00
Labor	827,428
A late charge of 1.5% per month (18% per annum) will be charged on all balances 30 days past due.	
<b>Total</b> \$34,497.90	



## Complete Water Solutions

851 W Main Street  
Twin Lakes, WI 53181

**Invoice**

Date	Invoice #
10/11/2021	5321

<b>Bill To</b>
Stone Creek Homeowners Association 161 Rocky Road Torrington WY 82240

<b>Ship To</b>
Stone Creek Homeowners Association 161 Rocky Road Torrington, Wyoming 82240

P.O. Number	Terms	Rep	Ship	Via	Due Date
	Due in full at time of ...	NMO	3/25/2022	Truck	10/11/2021
Quantity	Item Code	Description	U/M	Price Each	Amount
0.36996	MID-16G	Multi-Media Filter	ea	1,600.00	591.94
0.36262	Vitec4000	Liquid Scale and Silica Inhibitor 500lb Drum- also pump, cable	ea	4,350.00	1,577.40
0.49999	LT4-6	9GPM Reverse Osmosis machine	ea	19,095.00	9,547.31
0.49999	50G	Distribution pump system		12,300.00	6,149.88
0.40005	CWS4000Gal	4000 Gallon Storage Tank	ea	5,333.00	2,133.47
<p>This amount is due upon placement of order. The remaining \$22,678.00 will be due in full when all items are ready to be shipped. The charges for freight will also be due IN FULL at this time. Those are currently Estimated to be \$5,150.00 but will be billed actual at the time.</p> <p>Cancellation of orders after they have been booked or shipped may result in a restocking fee.</p>					
<p><b>NEW ADDRESS: 851 W Main Street, Twin Lakes, WI 53181</b> <b>Past Due Invoices Are Subject To A 1 1/2% Per Month Service Charge On Any Unpaid Balance</b></p>					
				<b>Payments/Credits</b>	\$0.00
				<b>Total</b>	\$20,000.00
				<b>Balance Due</b>	\$20,000.00

Phone #	E-mail	Web Site
(855) 787-4200	eolszak@complete-water.com	www.complete-water.com

## Complete Water Solutions

851 W Main Street  
Twin Lakes, WI 53181

**Invoice**

Date	Invoice #
9/14/2022	6519

<b>Bill To</b>
Stone Creek Homeowners Association 161 Rocky Road Torrington WY 82240

<b>Ship To</b>
Stone Creek HOA Attn: Carl Rupp/Tom 133 Pebble Lane Torrington, Wyoming 82240

P.O. Number	Terms	Rep	Ship	Via	Due Date
	Due in full at time of ...	NMO	9/14/2022	Truck	9/14/2022
Quantity	Item Code	Description	U/M	Price Each	Amount
1	MID-16G	Multi-Media Filter (remaining amount due)	ea	1,008.06	1,008.06
1	Vitec4000	Liquid Scale and Silica Inhibitor 500lb Drum (remaining amount due)	ea	2,722.60	2,722.60
1	LT4-6	9GPM Reverse Osmosis machine (remaining amount due)	ea	9,547.69	9,547.69
1	50G	Distribution pump system (remaining amount due)		6,150.12	6,150.12
1	CWS4000Gal	4000 Gallon Storage Tank (remaining amount due)	ea	3,199.53	3,199.53
-1	LT4-6	9GPM Reverse Osmosis machine (CREDIT DUE TO EXTENDED LEAD TIMES)	ea	2,300.00	-2,300.00
1	Freight	Shipping & Handling		4,150.00	4,150.00
-1	Freight	Shipping & Handling (credit for shipping RO system)		1,500.00	-1,500.00
<b>NEW ADDRESS: 851 W Main Street, Twin Lakes, WI 53181</b> <b>Past Due Invoices Are Subject To A 1 1/2% Per Month Service Charge On Any Unpaid Balance</b>					
				<b>Payments/Credits</b>	\$0.00

<b>Total</b>	\$22,978.00
--------------	-------------

<b>Balance Due</b>	\$22,978.00
--------------------	-------------

Phone #	E-mail	Web Site
(855) 787-4200	eolszak@complete-water.com	www.complete-water.com

## Complete Water Solutions

851 W Main Street  
Twin Lakes, WI 53181

**Invoice**

Date	Invoice #
3/8/2024	8756

<b>Bill To</b>
Stone Creek Homeowners Association 161 Rocky Road Torrington WY 82240

<b>Ship To</b>
Stone Creek Homeowners Association 161 Rocky Road Torrington, Wyoming 82240

P.O. Number	Terms	Rep	Ship	Via	Due Date
Carl Rupp	Due on receipt	NMO			3/8/2024
Quantity	Item Code	Description	U/M	Price Ea - U.S. ...	Amount
1	Estimate 7493	Complete Water Solutions performed start up on water treatment system. - Completed the week of 3/3/24 Total sales tax calculated by AvaTax Select this as a transaction's tax to use AvaTax		9,525.00 0.00 0.00%	9,525.00T 0.00 0.00
<b>All Prices are in U.S. Dollars Past Due Invoices Are Subject To A 1 1/2% Per Month Service Charge On Any Unpaid Balance</b>					
				<b>Payments/Credits</b>	\$0.00

Phone #	E-mail	Web Site
(855) 787-4200	eolszak@complete-water.com	www.complete-water.com

<b>Total</b>	\$9,525.00
<b>Balance Due</b>	\$9,525.00

---

Page Intentionally Left Blank

---



## CERTIFICATION OF COMPLETION

In accordance with the condition of the Wyoming Department of Environmental Quality/Water Quality Division Permit to Construct No. 2021 - 353, requiring submittal of this Certification of Completion within sixty (60) days of completion of the facility, I hereby certify:

1. Construction of the permitted facility was completed on March 5, 2024 (DATE) and the facility was placed in operation on May 16, 2024 (DATE).
2. Construction was completed in accordance with the following: (Check the appropriate option)
  - ☒ The facility was constructed in compliance with all terms and conditions of the permit including the design report, plans and specifications, design data or other information submitted in support of the application.
  - ☐ The facility was constructed with changes or modifications in accordance with the provisions of Section 11, Chapter 3, Wyoming Water Quality Rules and Regulations. As-built plans and specifications, certified by a registered professional engineer (certification by an engineer is not required if the original application was not certified by an engineer) are enclosed.

SCOTT A. MUSIA  
Facility Owner (print or type)

[Signature]  
Owners Signature

Date 6-24-24

Timothy D. Eisenhauer  
Engineer (print or type)

Timothy D. Eisenhauer  
Engineers Signature

Date June 23, 2024

---

Page Intentionally Left Blank

---

## EPA Region 8 – Significant Deficiency Correction Notice

Public Water System Name Stone Creek HOA  
 Public Water System ID# WY5601586  
 Public Water System Source Type: (circle one) Groundwater Surface Water Mixed

### Instructions:

Please use this form to report the correction of sanitary survey significant deficiencies identified during your last sanitary survey. List the individual significant deficiencies and the date of correction below. Pictures of corrections or a brief description of each correction is required. Label all pictures and correlate them to a specific significant deficiency. Include the name of the facility (e.g., well name and number, tank name and number, treatment plant, etc.) if applicable, and the correction date on any documentation you provide.

**If a WY DEQ permit was required to make any of the significant deficiency corrections, please include the permit number on the specific correction line below.**

Facility	Significant Deficiency	Date Corrected	Photos? [ ] Yes [ ] NA	WYDEQ Permit #
Distribution System	Administrative Order Nitrate Maximum Contaminant Violation	5/16/2024	Yes	2021-353

I certify that the information submitted with this report is true and accurate.

SCOTT R. KRISTIA  
 Print Name

[Signature]  
 Signature

6/24/24  
 Date

Corrections described on attached Significant Deficiency Letter N/A  
 Supportive Documentation Attached: Administrative Order, Complaint and Notice of Opportunity for Hearing

For groundwater systems submit to: [Langenfeld.Matthew@epa.gov](mailto:Langenfeld.Matthew@epa.gov) and to [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
 For surface water systems submit to: [Crosby.Jake@epa.gov](mailto:Crosby.Jake@epa.gov) and to [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
 Or Fax to: 1-877-876-9101

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF:	)		
	)	Docket No. <b>SDWA-08-2020-0034</b>	July 22, 2020
Stone Creek Homeowners Association	)		2:30 PM
and Scott Prusia	)		Received by
	)	<b>ADMINISTRATIVE ORDER</b>	EPA Region VIII
Respondents	)		Hearing Clerk
	)		
Stone Creek Homeowners Association	)		
Public Water System	)		
<u>PWS ID #WY5601586</u>	)		

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. Scott Prusia and the Stone Creek Homeowners Association (Respondents) are an individual and an association, respectively, that own and/or operate the Stone Creek Homeowners Association Public Water System (System), which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 3 wells. The water is untreated.
4. The System has approximately 38 service connections used by year-round residents and/or regularly serves an average of approximately 91 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 a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and is 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).

**VIOLATIONS**

6. The maximum contaminant level (MCL) for nitrate is 10 milligrams per liter (mg/L), with compliance to be based on the average of an initial and a confirmation sample. 40 C.F.R. §§ 141.23(f)(2), (f)(3) and 141.62(b). The initial sample, taken at SP01 on July 6, 2020, was 10.6 mg/L, and the confirmation sample, taken at the same location on July 16, 2020, was 10.4 mg/L. The average of the initial sample and the confirmation sample is 10.5 mg/L, and therefore, Respondents violated the nitrate MCL.

**ORDER**

Respondents are ordered to perform the following actions upon Respondents’ receipt of this Order (unless a different deadline is specified below):



7. Within 24 hours after receipt of this Order, Respondents shall notify the public of the violation cited in paragraph 6, above. 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>. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the certification and notice to the EPA. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. Part 141, Subpart Q.

8. Respondents shall notify the public quarterly beginning on October 1, 2020 by completing a public notice (PN) until the nitrate MCL violation is resolved. Respondents shall submit a copy of the completed PN and appropriate certification 10 calendar days after the PN was provided. 40 C.F.R. §§ 141.31(d) and 141.201(c)(3).

9. 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.

10. The System shall achieve compliance with the nitrate MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondents' plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

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

12. If the population or number of connections served by the System falls below 25 individuals or 15 service connections, Respondents shall notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

13. 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 shall, 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 shall remain obligated to comply with this Order.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and  
[Hicks.nathaniel@epa.gov](mailto:Hicks.nathaniel@epa.gov)

### **GENERAL PROVISIONS**

15. This Order shall be binding on Respondents, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

16. This Order shall 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.

17. Violation of any part of this Order, the Act, or Part 141 may subject Respondents 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).

18. 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: July 22, 2020.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

May 29, 2024

Ref: R08-ORC-LEB-RES

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO. 7009 3410 0000 2601 2739

Scott Prusia  
51 Sandy Court  
Torrington, Wyoming 82240

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO. 7009 3410 0000 2601 2746

Scott Prusia, President  
Stone Creek Homeowners Association  
51 Sandy Court  
Torrington, Wyoming 82240

Re: Complaint and Notice of Opportunity for Hearing  
Docket No. SDWA-08-2024-0031

Dear Mr. Prusia:

Enclosed is an administrative Complaint and Notice of Opportunity for Hearing (Complaint) filed against you and the Stone Creek Homeowners Association (together, referring to in this letter as "you") under section 1414(g)(3) of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3(g)(3). The United States Environmental Protection Agency (EPA) alleges in the Complaint that you failed to comply with an administrative order issued by the EPA on July 22, 2020.

By law, you have the right to request a hearing regarding the matters set forth in the Complaint. If you do not file an answer to the Complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In its answer you may request a hearing. You have the right to be represented by an attorney at any stage of these proceedings.



Printed on Recycled Paper

The EPA encourages all parties against whom it files any complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Administrator or Regional Judicial Officer, EPA Region 8. If you sign a consent agreement that is finalized by a final order, You will waive its right to request a hearing on any matter to which it has stipulated in that agreement.

Whether or not you request a hearing, you may confer informally with the EPA concerning the alleged violations and/or the amount of the proposed penalty. However, an informal settlement conference does **not** substitute for filing a written answer and requesting a hearing. A request for an informal conference also does not extend the 30-day period during which you must submit a written answer and a request for a hearing. You may pursue settlement and have informal conferences with the EPA even you are also litigating the case.

For any questions specific to the violations or penalty, please contact Christina Carballal-Broome, Environmental Protection Specialist, who can be reached at [Carballal-Broome.Christina@epa.gov](mailto:Carballal-Broome.Christina@epa.gov) or 303-312-6046. If you are represented by an attorney who has questions, please contact me at [Livingston.peggy@epa.gov](mailto:Livingston.peggy@epa.gov) or 303-312-6858.

We urge your prompt attention to this matter.

Sincerely,

MARGARET  
LIVINGSTON

Digitally signed by MARGARET  
LIVINGSTON  
Date: 2024.05.29 14:09:01 -06'00'

Margaret J. (Peggy) Livingston  
Enforcement Attorney  
Office of Regional Counsel

Enclosure

Complaint and Notice of Opportunity for Hearing  
40 C.F.R. part 22  
Standing Order from Katherin E. Hall



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

FILED

5/28/2024

1:56 PM

U.S. EPA REGION 8  
HEARING CLERK

IN THE MATTER OF:

Stone Creek Homeowners Association  
and Scott Prusia,  
Respondents

Stone Creek Homeowners Association  
(PWS ID# WY5601586)

Docket No. SDWA-08-2024-0031

**COMPLAINT AND NOTICE OF  
OPPORTUNITY FOR HEARING**

In this Complaint and Notice of Opportunity for Hearing (Complaint), the United States Environmental Protection Agency (EPA) proposes to assess a civil administrative penalty against Stone Creek Homeowners Association and Scott Prusia (Respondents).

**JURISDICTIONAL ALLEGATIONS**

1. This Complaint is issued under the authority vested in the Administrator of the EPA by section 1414(g)(3) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g)(3). The undersigned EPA official has been duly authorized to issue this complaint.
2. This proceeding is subject to the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, a copy of which is being provided to each Respondent with this Complaint.

**GENERAL ALLEGATIONS**

The following general allegations apply to each count of this Complaint:

3. Respondent Stone Creek Homeowners Association (HOA) is an association.
4. Respondent Scott Prusia is an individual.
5. Respondent Scott Prusia is the president of the HOA.
6. Each Respondent is a "person" as defined in section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
7. Respondents own and/or operate a system, the Stone Creek Homeowners Association public water supply system (the System), located in Goshen County, Wyoming.

8. The System provides water for human consumption to the public through pipes or other constructed conveyances.
9. The source of the System's water is ground water accessed via three wells. The water is untreated.
10. The System has approximately 38 service connections used by year-round residents.
11. The System regularly serves an average of approximately 91 year-round residents.
12. The System is a "public water system" and a "community water system" as these terms are defined in 40 C.F.R. § 141.2 and section 1401 of the SDWA, 42 U.S.C. § 300f.
13. As an owner and/or operator of a public water system, each Respondent is a "supplier of water" as defined in section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
14. Each Respondent is subject to 40 C.F.R. Part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs). Each NPDWR is an "applicable requirement" as defined in section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i).
15. Among other things, the NPDWRs include maximum contaminant levels (MCLs) for various contaminants in drinking water, including an MCL of 10 milligrams/liter (mg/l) for nitrate. 40 C.F.R. § 141.62(b).
16. The EPA has found that infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. 40 C.F.R. part 141, subpart Q, appendix B.
17. Compliance with the nitrate MCL is based on either (a) a single sample, if the result is below the MCL; or (b) an average of an initial sample and a confirmation sample, if the initial result is above the MCL. 40 C.F.R. § 141.23(f)(2), (f)(3), and (i)(3).
18. Because Wyoming has not sought primary authority for enforcing the public water supply supervision program, the EPA directly implements this program in Wyoming. Consequently, as provided by the definition of "state" in 40 C.F.R. § 141.2, the EPA is the "state" for purposes of applying the NPDWRs in Wyoming.

19. On July 22, 2020, in accordance with section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), the EPA issued an Administrative Order, Docket No. SDWA-08-2020-0034 (the Order) to Respondents, finding that Respondents had violated the MCL for nitrate. This finding was based on an initial sample and a confirmation sample taken at the same location on July 6 and 16, 2020, with levels of 10.4 and 10.6 mg/l, respectively, averaging 10.5, in excess of the MCL.
20. The Order directed Respondents, within 30 days of receiving the Order, to submit a plan and schedule for bringing the System into compliance with the nitrate MCL.
21. The Order also directed Respondents to submit quarterly reports to the EPA on the Respondents' progress in bringing the System into compliance with the nitrate MCL. Each quarterly report was to be submitted by the 10<sup>th</sup> calendar day of the month following the relevant calendar quarter (e.g., April 10<sup>th</sup> for the first calendar quarter).
22. On September 17, 2020, the EPA approved a schedule the Respondents had submitted in response to the Order. The schedule was incorporated into the Order, with each milestone and deadline specified in the EPA's approval letter as an enforceable provision of the Order.
23. Under the schedule referenced in paragraph 22, above, the final deadline for achieving and maintaining compliance with the nitrate MCL was October 30, 2020.
24. On February 4, 2021, the EPA notified Respondents they were in violation of the Order, because Respondents had failed to start the project described in the compliance schedule and thus had missed the interim deadlines in the EPA-approved schedule. The EPA's letter also noted that for the fourth quarter of 2020, the average of initial and confirmation sample levels for nitrate was 12.5 mg/l, indicating the Respondents had failed to bring the System into compliance with the 10 mg/l nitrate MCL.
25. On March 5, 2021, Respondents submitted a revised compliance schedule to the EPA, with various interim deadlines and a deadline of September 2021 for completion of the treatment project.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

4 of 11

26. On June 24, 2021, the EPA approved the schedule referenced in paragraph 25, above, making the deadlines in the schedule enforceable provisions of the Order.
27. On November 15, 2021, the EPA issued an amendment to the Order (Amended Order). The Amended Order found that the Respondents had violated 40 C.F.R. § 141.23(f)(2) by failing to take a confirmation sample within 24 hours of being notified that a sample taken on August 31, 2021, had indicated a nitrate level of 12.1 mg/l.
28. The Amended Order directed the Respondents to submit a plan and schedule for bringing the System into compliance with the nitrate MCL.
29. The Amended Order directed Respondents to submit quarterly reports to the EPA on the Respondents' progress in bringing the System into compliance with the nitrate MCL. Each quarterly report was to be submitted by the 10<sup>th</sup> calendar day of the month following the relevant calendar quarter (e.g., April 10 for the first calendar quarter).
30. On December 2, 2021, Respondents submitted a revised plan and schedule to the EPA, under which the project completion deadline was to be September of 2022.
31. On February 3, 2022, the EPA approved the schedule referenced in paragraph 30, above.
32. On November 30, 2022, the EPA agreed to another extension of the project completion deadline, to April 30, 2023.
33. On May 24, 2023, the EPA asked representatives of the System for an update regarding the treatment system, noting that System representatives had previously indicated the system would be completed and operational by April 30, 2023.
34. On August 1, 2023, the EPA agreed to extend the final deadline under the Amended Order for the Respondent's treatment system to be installed and functioning. The new deadline was December 31, 2023.
35. For the third quarter of 2022 and the first and second quarters of 2023, the Respondents failed to submit timely progress reports to the EPA within 10 days following the end of the quarter.

36. Since the issuance of the Order, nitrate levels at the System have exceeded the MCL during all four quarters of 2021, the first two quarters of 2022, and the third quarter of 2023. For the remaining quarters (*i.e.*, the third and fourth quarters of 2022 and the first and second quarters of 2023), nitrate levels were at or close to the MCL (9.7 mg/l the third quarter of 2022, 10 mg/l the fourth quarter of 2022, 9.2 mg/l the first quarter of 2023, and 9.7 mg/l the second quarter of 2023). Reported results are as follows:

1Q 2021	12.2 mg/l
2Q 2021	11.7 mg/l
3Q 2021	12.3mg/l
4Q 2021	11.4 mg/l
1Q 2022	11.5 mg/l
2Q 2022	10.8 mg/l
3Q 2022	9.7 mg/l
4Q 2022	10 mg/l
1Q 2023	9.2 mg/l
2Q 2023	9.7 mg/l
3Q 2023	11 mg/l
4Q 2023	5 mg/l
1Q 2024	10 mg/l

### **VIOLATIONS**

#### **Count One**

##### **Failure to Meet Final Deadline under Amended Order**

37. Although the EPA repeatedly extended the Respondents' deadline for installing a treatment system and putting it into operation, setting the ultimate deadline as December 31, 2023, Respondents failed to meet this deadline.
38. The Respondents' failure to meet the deadline referenced in paragraph 37, above, is a violation of paragraph 12.a of the Amended Order.



**Count Two**

**Failure to Submit Timely Progress Reports**

39. Each instance cited in paragraph 35, above, in which Respondents failed to provide a progress report to the EPA by the 10<sup>th</sup> day following the end of a calendar quarter is a violation of the paragraph 12.b of the Amended Order.

**PROPOSED PENALTY**

40. This Complaint proposes that the EPA assess an administrative penalty against Respondents. The EPA is authorized to assess an administrative civil penalty, according to section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), for violation of an administrative order issued under section 1414(g) of the SDWA. The amount of the administrative penalty may not exceed \$48,586 for violations occurring after November 2, 2015, where penalties are assessed on or after December 27, 2023. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.) See 88 Fed. Reg. 89309, 89312 (December 27, 2023).)
41. Taking into account the seriousness of the violations, the population at risk, and other appropriate factors, including Respondents' degree of willfulness and/or negligence, history of noncompliance, and ability to pay, as known to the EPA at this time, the EPA proposes to assess an administrative civil penalty of **\$3,000** against Respondents for Respondents' violations of the Order and the Amended Order, as described above.

**ANSWER AND RIGHT TO REQUEST A HEARING**

42. Each Respondent may file an answer to contest any material fact upon which this Complaint is based, contend that the proposed penalty is inappropriate, or contend that Respondents are entitled to judgment as a matter of law. The Respondents may file separate answers or file a joint answer applying to both Respondents.
43. Any such answer to the Complaint must be filed with the Regional Hearing Clerk within 30 days after service of this Complaint on the relevant Respondent. Note: For computing the number of days in a time period for purposes of 40 C.F.R. part 22, please see 40 C.F.R. § 22.7(a).

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Stone Creek Homeowners Association

(PWS ID# WY5601586)

7 of 11

44. Any answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which the relevant Respondent has any knowledge. The answer must state (1) any circumstances or arguments Respondent alleges to constitute grounds of defense, (2) any facts Respondent disputes, (3) whether and on what basis Respondent opposes the proposed penalty, and (4) whether Respondent requests a hearing.
45. Any Respondent's failure to admit, deny, or explain any factual allegation in its answer constitutes an admission of that allegation. If, however, a Respondent has no knowledge of a particular factual allegation and so states in its or his answer, that allegation will be deemed denied. For more details on the requirements for an answer, please see 40 C.F.R. § 22.15.
46. Even if a Respondent does not explicitly request a hearing in its or his answer, the Presiding Officer assigned to this case may hold such a hearing if the answer raises issues appropriate for adjudication. The procedures for any such hearing and for all proceedings in this action are set out in the 40 C.F.R. part 22.
47. Any hearing in this proceeding shall be in accordance with 40 C.F.R. §§ 22.50-22.52, i.e., 40 C.F.R. part 22, subpart I, unless a Respondent's answer requests a hearing on the record in accordance with 5 U.S.C. § 554. If a Respondent's answer does not request a hearing on the record in accordance 5 U.S.C. § 554, that Respondent will have waived the right to a hearing on the record, and any hearing will be held under 40 C.F.R. §§ 22.50-22.52.

**INSTRUCTIONS FOR FILING ANSWER AND OTHER DOCUMENTS**

48. The answer and any other document filed in this proceeding may be submitted by email, in accordance with the accompanying May 8, 2020, Standing Order by Regional Judicial Officer Katherin E. Hall. The email address for the Regional Hearing Clerk is R8\_Hearing\_Clerk@epa.gov. Filing may also be accomplished by U.S. mail or hand delivery to the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency (8RC)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

49. Each Respondent must provide a copy of the answer and every other document filed in this proceeding to the EPA enforcement attorney named below. This can be accomplished via email, to [livingston.peggy@epa.gov](mailto:livingston.peggy@epa.gov). It can also be accomplished by mail or hand delivery to the following:

Margaret J. (Peggy) Livingston, Enforcement Attorney  
Legal Enforcement Program, 8ENF-L  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

#### **FAILURE TO FILE AN ANSWER**

50. If either Respondent does not file a written answer with the Regional Hearing Clerk at either the email or physical address specified above within thirty days after the date this Complaint is served on that Respondent, that Respondent may be subject to a default order requiring payment of the full penalty proposed in this Complaint, pursuant to 40 C.F.R. § 22.17.

#### **QUICK RESOLUTION**

51. Either or both Respondents may resolve this action at any time by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18(a)(1). If such payment is made within thirty days after the relevant Respondent receives this Complaint, neither Respondent need file an answer. Alternatively, as allowed by 40 C.F.R. § 22.18(a)(2), either or both Respondents may file a statement with the Regional Hearing Clerk within 30 days of receipt of this Complaint and may make the penalty payment within 60 days after Respondent receive this Complaint.
52. The payment shall be made in the amount stated in Paragraph 41, above. Payment shall be made by any method provided on the EPA website

<https://www.epa.gov/financial/makepayment> (and for additional instructions see:  
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>).

53. Concurrently or within 24 hours of making payment, the Respondent(s) making payment shall email copies of the record of payment to each of the following:

Christina Carballal-Broome, Environmental Engineer

U.S. Environmental Protection Agency, Region 8

Via electronic mail to: [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov)

[Complainant designates this individual for service of proof of payment]

and

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 8

Via electronic mail to: [R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov).

and

U.S. Environmental Protection Agency

Cincinnati Finance Center

Via electronic mail to: [CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

[Include underscore between "CINWD" and "AcctsReceivable"]

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate payment has been made according to EPA requirements, in the amount due, and identified with the docket number that appears on the final order ratifying this Agreement and each Respondent's name.

54. The email transmitting the record of payment must include the case title and docket number of this proceeding (see the first page of this Complaint).
55. Payment of the penalty in this manner does not relieve either Respondent of the obligation to comply with the requirements of the SDWA and its implementing regulations. Payment of the penalty in this manner does, however, constitute

consent by the paying Respondent to the assessment of the proposed penalty and a waiver of that Respondent's right to a hearing on this matter. Such payment would waive that Respondent's rights to contest the allegations in this Complaint and to appeal any final order resulting from this Complaint.

**SETTLEMENT CONFERENCE**

56. The EPA encourages exploring settlement possibilities through informal settlement negotiations. However, failing to file an answer may lead to a default order, even if settlement negotiations occur. The parties may simultaneously pursue settlement and proceed with administrative litigation. If a settlement is reached, its terms will be expressed in a written consent agreement to be signed by the parties and incorporated into a final order signed by the Regional Judicial Officer or Regional Administrator of EPA Region 8. Any request for settlement negotiations should be directed to the EPA enforcement attorney named above, who can also be reached by telephone at 303-312-6858.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8

**COLLEEN**

**RATHBONE**

Digitally signed by COLLEEN  
RATHBONE  
Date: 2024.05.28 12:49:53 -06'00'

---

Colleen Rathbone, Manager  
Water Enforcement Branch  
Enforcement and Compliance Assistance Division  
Region 8, U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202  
**Complainant**



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date indicated below the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING (without a copy of 40 C.F.R. part 22) were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING (with a copy of 40 C.F.R. part 22 and a copy of the May 8, 2020 Standing Order by Regional Judicial and Presiding Officer Katherin E. Hall) was sent to each of the following:

Scott Prusia, President

Stone Creek Homeowners Association

51 Sandy Court

Torrington, WY 82240

Certified Mail, Return Receipt Number: 7009 341D 0000 2601 2746

and

Scott Prusia

Stone Creek Homeowners Association

51 Sandy Court

Torrington, WY 82240

Certified Mail, Return Receipt Number: 7009 341D 0000 2601 2739

Date: 5/29/2024

By: Joan Delty

