



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2017 APR 25 PM 1:29

FILED
EPA REGION VIII
HEARING CLERK

APR 25 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David F. Evans, Registered Agent
Black Mountain Properties, L.L.C.
1800 Carey Avenue #700
Cheyenne, Wyoming 82001

Re: Administrative Order regarding Lone Tree Village Mobile Home Park Public Water System,
PWS ID #5601343, Docket No. **SDWA-08-2017-0013**

Dear Mr. Evans:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Black Mountain Properties, L.L.C. (LLC), as owner and/or operator of the Lone Tree Village Mobile Home Park Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the LLC believes the EPA may not have (for example, monitoring that may have been done but not submitted, updates to the numbers of connections and/or individuals served). If the EPA does not hear from the LLC, the EPA will assume the information in the Order is correct.

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

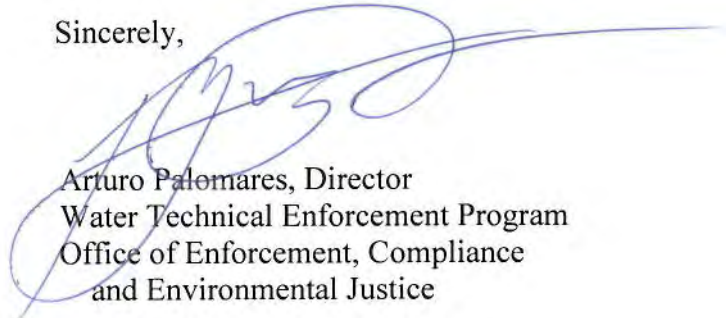
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

As a reminder, all violations outlined in the Order must be included in the System's Consumer Confidence Report due in July 2017.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich via email at brainich.kathelene@epa.gov or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Mia Bearley, enforcement attorney, who may be reached via email at bearley.mia@epa.gov, by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or at the above address (with the mailcode 8ENF-L),

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Arturo Palomares', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Enclosures

cc: Andrew D'Amico, Lone Tree Village MHP (damico02@gmail.com)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk



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CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Converse County Commissioners
c/o Rick Grant, Chair
107 North 5th Street #114
Douglas, Wyoming 82633-2448

Re: Notice of Safe Drinking Water Act Enforcement Action Regarding the Lone Tree Village
Mobile Home Park Public Water System, PWS ID #5601343
Docket No.: SDWA-08-2017-0013

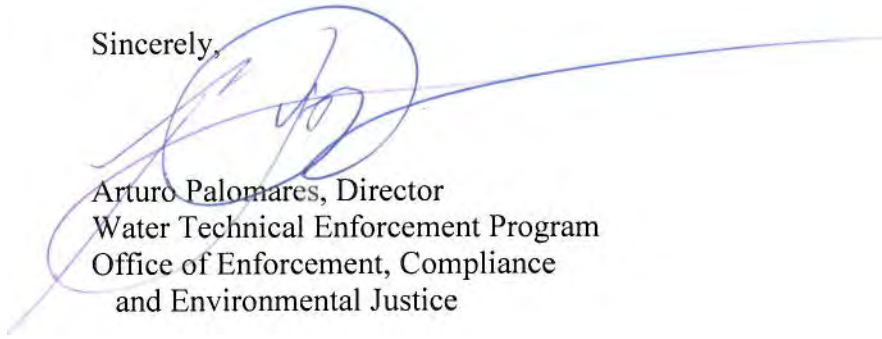
Dear Commissioners:

The Safe Drinking Water Act requires that the U.S. Environmental Protection Agency notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order (Order) is being issued to Black Mountain Properties, L.L.C., as owner and/or operator of the Lone Tree Village Mobile Home Park Public Water System, located in Converse County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to monitor for lead and copper and disinfection byproducts.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2017 APR 25 PM 1:29

IN THE MATTER OF:)
)
Black Mountain Properties, L.L.C.,)
owner and/or operator,)
Lone Tree Village Mobile Home Park,)
)
Respondent.)

Docket No. ~~SDWA-08-2017-0013~~

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ADMINISTRATIVE ORDER

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Black Mountain Properties, L.L.C. (Respondent), is a Wyoming corporation that owns and/or operates the Lone Tree Village Mobile Home Park Public Water System (the System), which provides piped water to the public in Converse County, Wyoming, for human consumption.
3. The System is supplied by a surface water source purchases from the City of Douglas. The System does not treat the water.
4. The System has approximately 191 service connections used by year-round residents and/or regularly serves an average of approximately 425 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 required to monitor for disinfection byproducts in compliance with the Stage 2 Monitoring Plan (Monitoring Plan) dated May 19, 2014, pursuant to 40 C.F.R. § 141.622.
6. 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).
7. 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

8. Respondent was required to monitor the System's tap water for lead and copper every three years. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during the 2013-2015 monitoring period and therefore violated this requirement. Triennial reduced monitoring was revoked due to this failure to monitor violation and annual monitoring was required starting in 2016.
9. Respondent was required to monitor the System's tap water for lead and copper annually in 2016. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during 2016 and therefore violated this requirement. Annual reduced monitoring was

revoked due to this failure to monitor violation and Respondent must now monitor for two six-month monitoring periods.

10. Respondent is required to collect one set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples in the System's distribution system at the location and on the date identified in the Monitoring Plan, 40 C.F.R. §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the Systems water for TTHM and HAA5 during August 2016 and therefore violated this requirement.

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 8, 9 and 10, 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):

12. No later than June 30, 2017, and again between July 1 and December 31, 2017, Respondent shall collect 10 lead and copper samples in the distribution system according to the System's tap sample site plan, and thereafter shall monitor as directed by the EPA, in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to the EPA within the first 10 days following the end of each monitoring period, as required by 40 C.F.R. § 141.90. Respondent must also submit the System's lead and copper tap sample plan to the EPA with the first analytical results.

13. Respondent shall monitor the System's water annually for TTHM and HAA5 at the specific location (Park Office) and month (August) identified in the Monitoring Plan, as required by 40 C.F.R. §§141.620-141.622. Respondent shall submit the annual sampling results to the EPA within 10 days following the end of the quarter in which monitoring is required, as required by 40 C.F.R. § 141.629.

14. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

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

16. 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, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or

Black Mountain Properties, L.L.C.,
Lone Tree Village Mobile Home Park
Page 3 of 3

contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

17. Respondent shall send all reporting and notifications required by this Order in writing to:

U.S. EPA Region 8 (8P-WP-SD)
1595 Wynkoop Street, Denver, CO 80202-1129
Email: R8DWU@epa.gov; Fax: (877) 876-9101

GENERAL PROVISIONS

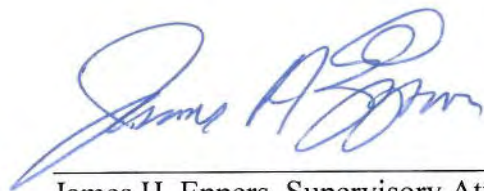
18. This Order shall not constitute a waiver, suspension or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

19. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (January 12, 2017).

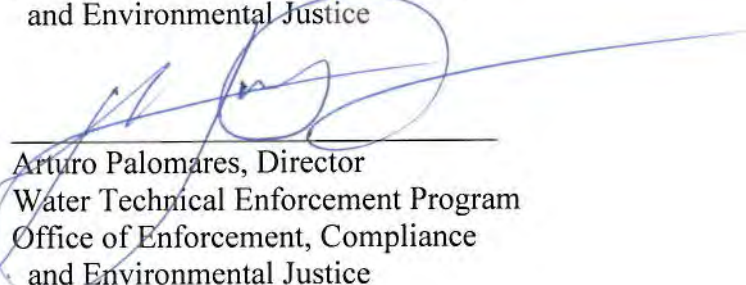
20. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

21. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: April 25th, 2017.



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice



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



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.terceter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses
www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/eatc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozonc/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.