



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

November 15, 2021

1:57 PM

November 12, 2021

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Received by
EPA Region VIII
Hearing Clerk

Mr. Scott Prusia, HOA President
Stone Creek Homeowners Association
(S_prusia@yahoo.com)

Re: Amended Administrative Order issued to Stone Creek Homeowners Association
regarding Stone Creek Homeowners Association Public Water System, PWS ID #WY5601586,
Docket No. **SDWA-08-2020-0034**

Dear Mr. Prusia:

Enclosed is an Amended Administrative Order (Amended 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). The Amended Order supersedes and replaces in its entirety the Administrative Order issued July 22, 2020. The Amended Order alleges that Stone Creek Homeowners Association (HOA) and yourself, as owner of the Stone Creek Homeowners Association Public Water System (System), has violated the National Primary Drinking Water Regulation at 40 C.F.R. part 141 (Part 141). The Amended Order includes Respondents' failure to monitor the System's water for nitrites during the first quarter and second quarters of 2021, in violation of 40 C.F.R. § 141.23(e); and Respondents' failure to take a confirmation sample within 24 hours of being notified that the System's August 1, 2021 nitrate sample result exceeded the MCL, in violation of 40 C.F.R. 141.23(f)(2).

The Amended Order is effective upon the date received. Please review the Amended Order and within 10 business days provide the EPA with any pertinent information you and the HOA 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 the you and/or the HOA, the EPA will assume this information is correct. If you and the HOA comply with the Amended Order, the EPA may close the Amended Order without further action. (Note: the plan and schedule has been submitted to EPA, and the final milestones within the plan and schedule are still actively being resolved.)

Failure to comply with the Amended Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to the 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 and the HOA in addressing the outstanding violations.

You or the HOA are required to notify the public quarterly by completing a public notice (PN) until the nitrate MCL violation is resolved. Please submit a copy of the completed PN and a certification of its completion to the EPA each quarter.

If you or the HOA have any questions or to request an informal conference with the EPA, please contact Nathan Hicks via email at hicks.nathaniel@epa.gov or by phone at (800) 227-8917, extension 6546, or (303) 312-6546. Any questions from the HOA attorney should be directed to Shaula Eakins, Assistant Regional Counsel, via email at eakins.shaula@epa.gov or by phone at (800) 227-8917, extension 6317, or (303) 312-6317.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosure

cc: WY DEQ/DOH
Goshen County Commissioners (crupp@goshencounty.org)
Melissa Haniewicz, EPA Regional Hearing Clerk
Tom Feeser, Operator, (tom@cottonwoodconstruction.com)
John Kinberg, Alternative Operator, (kinberg@scottsbluff.net)
Christopher Brown, WY DEQ, UIC Program (Christopher.Brown@wyo.gov)

