



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven Haviland, Registered Agent
Evergreen Properties LLC
31685 N. Sunflower Way
San Tan Valley, Arizona 85143

Randall Spencer, Certified Operator
3100 Basin Street
Cheyenne, Wyoming 82009

Re: Administrative Order Violation, Evergreen Properties LLC, PWS ID#5600021,
Docket No. SDWA-08-2014 0020

Dear Messrs. Haviland and Spencer:

On June 30, 2014, the U.S. Environmental Protection Agency issued an Administrative Order (Order) ordering Evergreen Properties LLC (LLC) and Randall Spencer (Mr. Spencer), as owner and/or operator of the Evergreen Properties Public Water System (System), to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. part 141.

Our records indicate that the LLC and Mr. Spencer are in violation of the Order. Among other things, the Order included the following requirement (quoted from paragraphs 10 and 12 on page 2 of the Order) in which the LLC and Mr. Spencer are named as Respondents:

Respondents shall monitor the System's water for nitrate within 30 days after the date of this Order and quarterly thereafter until notified by the EPA in writing of a different monitoring schedule. 40 C.F.R. § 141.23(d).

The EPA has not received a 3rd quarter (July-September) 2014 nitrate monitoring result. We have nitrate results for June and October 2014.

Respondents 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).

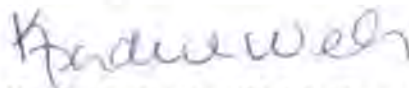
Respondent did not report the nitrate monitoring violation cited above to the EPA.

The EPA is considering additional enforcement action as a result of the LLC and Mr. Spencer's non-compliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481, or via email at brainch.kathelene@epa.gov. If the LLC or Mr. Spencer are represented by an attorney who has questions, please ask the attorney to direct any legal questions to Mia Bearley, Enforcement Attorney, at 1-800-227-8917, extension 6554 or (303) 312-6554, or via email at bearley.mia@epa.gov.

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Gale Medlin, Evergreen Properties (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

