



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2017 JUL 25 AM 10:32

FILED
EPA REGION VIII
HEARING CLERK

JUL 25 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William R. Stuart, Registered Agent
Milestone Financial, LLC
4970 El Camino Real #230
Los Altos, California 94022

Re: Administrative Order regarding Evergreen Properties Public Water System,
PWS ID #5600021, Docket No. **SDWA-08-2017-0024**

Dear Mr. Stuart:

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 Milestone Financial, L.L.C. (LLC), as owner and/or operator of the Evergreen Properties 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.

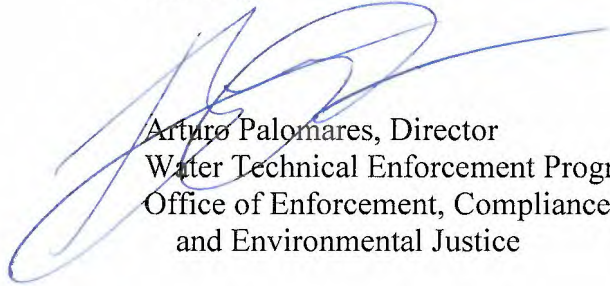
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

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.

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

Enclosures

cc: Rick Redella, Culligan (rick@culligancheyenne.com)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk



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JUL 25 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Troy Thompson
310 West 19th Street
Cheyenne, Wyoming 82001

Re: Notice of Safe Drinking Water Act Enforcement Action regarding Evergreen Properties,
PWS ID#5600021 **Docket No. : SDWA-08-2017-0024**

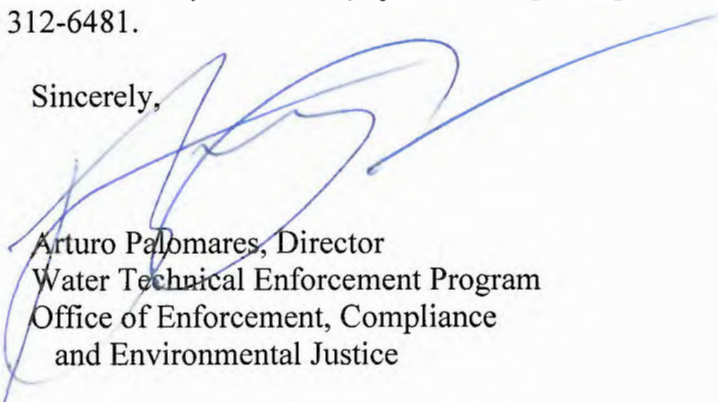
Dear Commissioners:

The Safe Drinking Water requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order (Order) is being issued to Milestone Financial, LLC, as owner/operator of the Evergreen Properties Public Water System (System) in Cheyenne, Wyoming. The violations alleged in the Order are failure to timely complete corrective actions after total coliform violations triggered an assessment of the System, failure to monitor for total coliform, triggered source, inorganic, volatile organic, and synthetic organic contaminants, and failure to notify the public and the EPA of the violations.

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 JUL 25 AM 10: 32

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IN THE MATTER OF:)
)
Milestone Financial, LLC,)
(Evergreen Properties))
)
Respondent.)

Docket No SDWA-08-2017-0024

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Milestone Financial, LLC is a California corporation (Respondent) that owns and/or operates the Evergreen Properties Public Water System (System), which provides piped water to the public in Laramie County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The System’s water is treated by disinfection.
4. The System has approximately 26 service connections used by year-round residents and/or regularly serves an average of approximately 50 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 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).

VIOLATIONS

6. If the System has more than one positive total coliform sample result within the same month or fails to take three total coliform repeat samples within 24 hours following a routine total coliform positive result, Respondent is required to conduct a Level 1 assessment and submit it to the EPA within 30 days of learning of the monitoring results or failure to monitor violation. The assessment shall determine the cause of the positive samples or monitoring violation and identify completed corrective actions of any deficiencies. 40 C.F.R. §§ 141.859-141.860. Respondent failed to conduct a Level 1 assessment by November 26, 2016, after failing to take three repeat samples of the System’s water after a positive total coliform sample on October 26, 2016, and, therefore, violated these requirements. Respondent submitted a Level 1 assessment on February 14, 2017.
7. If the System (1) has an *E. coli* maximum contaminant level (MCL) violation, (2) has a second Level 1 Assessment trigger within a rolling 12-month period, or (3) fails to collect three repeat samples following a *E. coli* positive sample result or fails to test a total coliform repeat sample for *E. coli*, Respondent is required to conduct a Level 2 assessment. Respondent must

submit to the EPA a schedule for corrective actions requiring longer than 30 days to complete and must complete the actions no later than the EPA-approved timeframe. 40 C.F.R. §§ 141.859-141.860. Following a second Level 1 assessment trigger within a rolling 12-month period due to more than one positive total coliform sample result within the same month on August 3, 2016, a Level 2 assessment was completed on August 17, 2016. Respondent failed to complete corrective actions of sanitary defects within the EPA-approved timeframe of October 27, 2016, and extended deadline of February 25, 2017, and, therefore, violated this requirement. Respondent submitted documentation of completed corrective actions to the EPA on June 30, 2017.

8. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during the months of December 2016 and April 2017 and, therefore, violated this requirement.

9. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a routine total coliform monitoring sample is positive for total coliform. Respondent must sample each ground water source and have it analyzed for a fecal indicator (i.e. *E. coli*). 40 C.F.R. § 141.402. Respondent failed to monitor the System's source within 24 hours after a sample taken on October 26, 2016, was analyzed as total coliform positive and, therefore, violated this requirement. Respondent monitored the source water on January 9, 2017.

10. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at least once in every three-year compliance period 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for IOCs during the 2014-2016 compliance period and, therefore, violated this requirement. Respondent monitored for some IOCs in June 2017.

11. Respondent is required to monitor the System's water for synthetic organic contaminants (SOCs) at least once every three years. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for SOCs during the 2014-2016 compliance period and, therefore, violated this requirement.

12. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) at least once every three years. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for VOC during the 2014-2016 compliance period and, therefore, violated this requirement.

13. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public within 30 days of the violations cited in paragraphs 6 and 7, above, and repeat the notice as long as the violation exists and, therefore, violated this requirement. Public notice for the violations cited in paragraphs 8-12, above, is required to be completed within one year of the violation, and, therefore, are not past due.

14. Respondent is required to report any *E. coli* positive routine sample and *E. coli* MCL or treatment technique violations to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.861. Respondent did not notify the EPA of the treatment technique violations cited in paragraphs 6 and 7, above, and, therefore, violated this requirement.

15. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 8, above, to the EPA and, therefore, violated this requirement.

16. 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 9-13, 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):

17. Following any future instances of the System (1) having more than one positive total coliform sample result (including routine and repeat) within the same month, or (2) failing to collect three repeat samples within 24 hours following a total coliform positive sample, Respondent shall conduct a Level 1 assessment in compliance with 40 C.F.R. §§ 141.859 and 141.860.

18. If upon review of the System's June 30, 2017, Level 2 assessment, the EPA determines the assessment or completed corrective actions are not sufficient, Respondent shall submit a revised assessment form within 30 days of the EPA determination. Following any future instances of the System (1) having an *E. coli* MCL violation (2) a second Level 1 assessment trigger within a rolling 12-month period, or 3) failing to collect three repeat samples following a *E. coli* positive sample result or failing to test a total coliform repeat sample for *E. coli*, Respondent shall conduct a Level 2 assessment in compliance with 40 C.F.R. §§ 141.859 and 141.860.

19. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858.

20. Respondent shall conduct triggered source monitoring by sampling each ground water source within 24 hours of being notified that a routine total coliform sample from the System has been analyzed as positive for total coliform and comply with all related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result, Respondent shall specify on the sample form that it is a triggered source water sample.

21. Within 30 days after receipt of this Order, Respondent shall monitor the System's water for cyanide, mercury, nickel, and sodium IOC contaminants and shall thereafter monitor all IOCs as required by the Drinking Water Regulations, in compliance with 40 C.F.R. § 141.23(a) and (c). All samples must be analyzed by an EPA or state certified laboratory that employs EPA approved analytical methods. The recent sodium results Respondent submitted to the EPA were analyzed by a laboratory that is not certified for that contaminant.
22. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for VOCs and SOCs in compliance with 40 C.F.R. §§ 141.24(h), and 141.24(f)(6).
23. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 6-12, above, and shall provide a signed copy of the public notice to the EPA within 10 days after public notification is completed. If Respondent included all of the violations in the System's 2016 Consumer Confidence Report (CCR), distributed the CCR to the System customers and sends a copy to the EPA, a separate public notice is not required. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.
24. Respondent shall report all analytical results to the EPA within the first 10 days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a).
25. Respondent shall report any future total coliform treatment technique violations to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.861.
26. Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).
27. 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.
28. 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.
29. 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 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.

30. Respondent shall direct all reporting required by this Order to the EPA:

Email: R8DWU@epa.gov or Fax: (877) 876-9101
or by mail to:
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

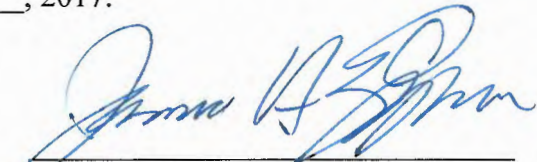
31. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

32. 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; 82 Fed. Reg. 3633 (January 12, 2017).

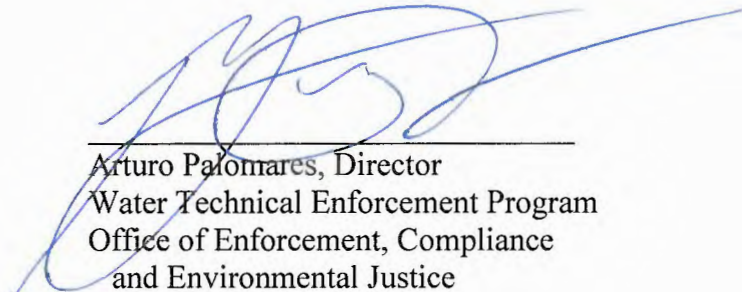
33. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: July 25, 2017.



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
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.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

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

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored 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

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#pic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

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

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

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)

<https://nationalsbeap.org/states/list>

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 helps users locate tribal-related information within EPA and other federal agencies.

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

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

EPA's Audit Policy

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

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.