



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

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EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

MAY 9 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jamie Mackay, Registered Agent
Mackay Investments, LLC
P.O. Box 1827
Wilson, WY 83014

Re: 3rd Violation of Administrative
Order
Jackson Hole Campground Public
Water System
Docket No. SDWA-08-2011-0037
PWS ID # WY5600520

Dear Mr. Mackay:

On May 5, 2011, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2011-0037, ordering Mackay Investments, LLC (Respondent), as owner and/or operator of the Jackson Hole Campground public water system (System), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that the Respondent is in violation of the Order. Among other things, the Order included the following requirements (quoted from paragraphs 12 and 17 on page 3 of the Order):

1. *Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23.*

Respondent failed to collect a water sample for nitrate analysis during calendar year 2012, and therefore violated that requirement of the Order.

2. *Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraph 7 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. 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. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.*

As of the date of this letter, EPA has not received a copy of the public notice Respondent was required to post for the users of its water system. If the Respondent has already posted the required public notice, please provide a copy of the notice within 10 days of receipt of this letter. If the notice has not yet been posted, please post the public notice as soon as possible and send a copy to EPA. Please include the recent 2012 failure to monitor for nitrate violation in the notice, and forward a copy to EPA within 10 days of posting.

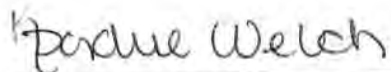
EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Dana Stotsky, Enforcement Attorney, at

1-800-227-8917, extension 6556 or (303) 312-6556 or at the following address:

Mr. Dana Stotsky
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



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

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ and DOH via e-mail
Manager, Jackson Hole Campground via e-mail