

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
PROPOSED ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT
AGAINST
LT CAMPGROUNDS, LLC, D/B/A CUSTER/MOUNT RUSHMORE KOA
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Proposed Administrative Compliance Order on Consent (AOC), Docket No. SDWA-08-2016-0011 that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue to LT Campgrounds, LLC, d/b/a Custer/Mount Rushmore KOA for alleged violations at its facility located in Custer, South Dakota. The AOC alleges violations of the Safe Drinking Water Act (SDWA) and the regulations detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations (Regulations) govern the injection of fluids that may endanger an underground source of drinking water (USDW). The AOC proposes compliance requirements for the alleged violations.

The EPA requests written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the AOC is appropriate. The EPA will review and consider all comments received, and will thereafter determine whether to modify or withdraw the AOC.

BACKGROUND

Part C of the SDWA (40 U.S.C. § 300h *et seq.*) requires the EPA to regulate underground injection of fluid through wells to assure that USDWs are not endangered. Section 1421 of the SDWA (40 U.S.C. § 300h) requires the EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of South Dakota; therefore, the EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.) parts 124, 144, 146, 147 and 148.

The Class V large capacity septic system which is the subject of this AOC, is located at 12021 US Highway 16, Custer, South Dakota. A Class V injection well, pursuant to 40 C.F.R. §§ 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW.

The AOC alleges that owner and/or operator, LT Campgrounds, LLC, is in violation of the Regulations for failing to operate a septic system that prevents sanitary waste fluids from

entering the USDW. The AOC proposes certain compliance measures, including the expansion of the capacity of the septic system currently at the facility.

PUBLIC COMMENTS

Written comments on the AOC are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public as well as information submitted by LT Campgrounds, LLC will be available for public review as part of the administrative record, subject to the provisions of law restricting the disclosure of confidential information. LT Campgrounds, LLC may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The AOC and the administrative record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the administrative record call Marc Weiner, Enforcement Attorney, at (303) 312-6913 before visiting the EPA Region 8 offices. Please submit written comments to:

John Pickens (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Britta Copt in the UIC program, at (303) 312-6229.

THE DECISION

The EPA will review and consider all public comments received on the public notice and will thereafter determine whether to modify or withdraw the AOC. If the AOC is revised, copies shall be provided to all parties and to all members of the public who have commented.

//Signature//

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202