

1 TODD KIM
 2 Assistant Attorney General
 3 RICHARD S. GREENE IV, Senior Attorney (TN Bar # 024450)
 4 JAMES R. MacAYEAL, Senior Counsel (D.C. Bar # 474664)
 5 Environmental Enforcement Section
 6 Environment and Natural Resources Division
 7 United States Department of Justice
 8 P.O. Box 7611
 9 Washington, D.C. 20044 7611
 10 Telephone: (202) 307-3967
 11 Facsimile: (202) 514-2583

Attorneys for Plaintiff United States of America

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14 EASTERN DIVISION

<p>15 UNITED STATES OF AMERICA, 16 17 Plaintiff, 18 19 v. 20 SOPHIA LAWSON CLARK, 21 in her capacity as Administrator 22 of the Estate of Scott Lawson, and 23 LOPEZ TO LAWSON, INC., 24 Defendants.</p>	<p>Case No. 5:23-cv-1650 COMPLAINT</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------

1 **COMPLAINT**

2 Plaintiff the United States of America (“United States”), by the authority of
3 the Attorney General and at the request and on behalf of the Administrator of the
4 United States Environmental Protection Agency (“EPA”), alleges as follows:

5 **STATEMENT OF THE CASE**

6 1. This is a civil action for injunctive relief and civil penalties under
7 Sections 1423 and 1431 of the Safe Drinking Water Act (“SDWA” or “the Act”),
8 42 U.S.C. §§ 300h-2 and 300i, (a) to require Sophia Lawson Clark, in her capacity
9 as Administrator of the Estate of Scott Lawson, and Lopez to Lawson, Inc.
10 (“Defendants”) to perform corrective measures to protect the health of consumers
11 served by a drinking water system registered as Public Water System ID No.
12 090605129 (“System”) at the Oasis Mobile Home Park, 88740 Avenue 70,
13 Thermal California (the “Park”); (b) to require the Defendants to achieve and
14 maintain compliance with the SDWA, its implementing regulations, and the
15 provisions of an EPA-issued Emergency Administrative Order specifically with
16 respect to the System and wastewater practices at the Park; and (c) to impose civil
17 penalties on the Defendants for their violations of the SDWA, its implementing
18 regulations, and the Emergency Administrative Order.

19
20 2. Authority to bring this action is vested in the United States
21 Department of Justice by 28 U.S.C. §§ 516 and 519, and by 42 U.S.C. §§ 300h-2,
22 and 300i.

23 **JURISDICTION AND VENUE**

24 3. This Court has jurisdiction over the subject matter of this action under
25 28 U.S.C. §§ 1331, 1345, and 1355, as well as 42 U.S.C. §§ 300h-2 and 300i.

26 4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)
27 and 1395(a), and under 42 U.S.C. §§ 300h-2(b) and 300i(b), because the events
28 giving rise to this action arose within this judicial district.

1 **THE PARK AND ALLOTMENT 19**

2 5. The Park is located within the Torres Martinez Desert Cahuilla Indian
3 Reservation (the “Reservation”). The Reservation includes Allotment 19 (the
4 “Allotment”). A portion of the Park is located on the Allotment. Allotments of
5 Indian tribal land are governed by federal law.

6 6. In 1887, Congress authorized the division of communal Indian tribal
7 land into allotments under the General Allotment Act of February 8, 1887, ch. 119,
8 24 Stat. 388 (1887) (codified in part at 25 U.S.C. §§ 331-358). The Act originally
9 allotted to an individual a certain number of acres, to be held in trust for the
10 individual by the United States for a number of years and then to be patented in
11 fee. *Id.* at § 5 (codified at 25 U.S.C. § 331). In 1934, however, Congress formally
12 ended the process of allotting Indian land to individuals, and extended indefinitely
13 the trust status of existing allotments. Indian Reorganization Act of 1934, ch. 576,
14 48 Stat. 984 (1934) (codified at 25 U.S.C. § 462. Allotted lands are held in trust for
15 the use of individual Indians (or their heirs). The federal government holds the
16 title, and the allottee owns the beneficial interest.

17 7. According to records from the United States Bureau of Indian Affairs
18 (“BIA”), the Allotment was created in 1927. In 1964, a Fee Patent was issued for a
19 1/3 undivided interest to Lillian Lopez Grapevine, who was not an enrolled
20 member of the Torres Martinez Desert Cahuilla Indians. Because Lillian Lopez
21 Grapevine was not a tribal member, she did not hold any interest in the Allotment
22 as an allottee. The remaining 2/3 undivided interest in the Allotment remained in
23 trust for the benefit of tribal members as allottees.
24

25 **THE DEFENDANTS**

26 8. Scott Lawson, Sr. (“Mr. Lawson” or “Scott Lawson”) was a senior
27 tribal member of the Torres Martinez Desert Cahuilla Indians in California. Mr.
28 Lawson died intestate on May 4, 2021 in California.

1 9. Mr. Lawson held a 1/6 undivided interest in the Allotment until his
2 death. After Lillian Lopez Grapevine died in the 1970s, Mr. Lawson came to own
3 her 1/3 undivided interest in fee in the Allotment. In addition, Mr. Lawson owned
4 land outside of, but contiguous to, the Allotment in fee simple, and Park operations
5 took place on this land as well as within the Allotment. The Allotment includes
6 other mobile homes in areas colloquially known as Robin’s/Carol’s Park and
7 Barbara’s Park (collectively “Zone 5”) and the System’s drinking water
8 distribution extends into Zone 5.

9 10. From 1988 until his death, Mr. Lawson owned and operated the Park
10 as a sole proprietorship directly or through Native American Investors, Inc., a
11 California corporation.

12 11. Mr. Lawson owned and operated the System until his death.

13 12. The Superior Court of California for the County of Riverside created
14 the Estate of Scott Lawson on or about November 15, 2021. The Court named
15 Sophia Clark the administrator of the Estate. Thereafter, Sophia has managed the
16 Park as the administrator or personal representative of the Estate.

17 13. The Estate of Scott Lawson currently owns and operates the Park and
18 the System.

19 14. Lopez to Lawson, Inc. is a corporation Sophia Lawson Clark formed
20 after the creation of the Estate of Scott Lawson.

21 15. Lopez to Lawson, Inc. is involved in the operation of the Park and
22 System.

23 **STATUTORY AND REGULATORY FRAMEWORK**

24 **Underground Injection Control Program**

25 16. Many of the nation’s public water systems rely on underground
26 sources of water for their supply. Underground injection wells, including septic
27 tanks and wastewater systems, may pose a risk to the public because they can
28

1 contaminate underground sources of drinking water and the public water systems
2 that use those sources.

3 17. Section 1421 of SDWA, 42 U.S.C. § 300h, requires the EPA
4 Administrator to promulgate regulations, including permitting requirements as well
5 as inspection, monitoring, recordkeeping, and reporting requirements, for State
6 underground injection control (“UIC”) programs, to prevent underground injection
7 that endangers drinking water sources.

8 18. Section 1421(d)(1) of SDWA, 42 U.S.C. § 300h(d)(1), defines
9 “underground injection” as the subsurface emplacement of fluids by well injection.
10 Under Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, EPA has
11 promulgated UIC regulations at 40 C.F.R. Part 144, *et seq.*

12 19. Under Section 1422(e) of the SDWA, 42 U.S.C. § 300h-1(e), and 40
13 C.F.R. § 147.251, EPA administers the UIC program on Indian tribal land unless or
14 until the Tribe assumes primary responsibility. In this case, EPA administers the UIC
15 program at the Park.

16 20. UIC programs regulate underground injection by six classes of wells,
17 and all owners or operators of these injection wells must be authorized either by
18 permit or rule. 40 C.F.R. § 144.1(g).

19 21. Under 40 C.F.R. § 144.3, “fluid” is defined as any material or
20 substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any
21 other form or state.

22 22. Under 40 C.F.R. § 144.3, “well injection” is defined to mean the
23 subsurface emplacement of fluids through a well.

24 23. An “owner or operator” means the owner or operator of any facility or
25 activity subject to regulation under the UIC program. 40 C.F.R. § 144.3.

26 24. A Class V injection well is “a shallow well used to place a variety
27 of fluids directly below the land surface.” 40 C.F.R. § 144.80(e). Class V wells
28

1 also include “septic system wells used to inject the waste or effluent from a
2 multiple dwelling, business establishment, community or regional business
3 establishment septic tank.” 40 C.F.R. § 144.81(9).

4 25. Under 40 C.F.R. § 144.82, the “owner or operator” of a Class V UIC
5 well “must comply with Federal UIC requirements in 40 C.F.R. Parts 144 through
6 147,” and must also comply with any other requirements to protect underground
7 sources of drinking water.

8 26. Class V wells are authorized by rule, subject to certain exceptions,
9 including the requirement to provide an inventory to the UIC Program Director, as
10 described in 40 C.F.R. § 144.83(a). The owner/operator is prohibited from
11 injecting into the Class V well until the inventory requirements are met. 40 C.F.R.
12 § 144.84(b)(4).

13 27. The regulations prohibit injection activities that allow the movement
14 of fluid containing any contaminant into underground sources of drinking water, if
15 the presence of that contaminant may cause a violation of the primary drinking
16 water standards under 40 CFR Part 141, other health-based standards, or may
17 otherwise adversely affect the health of persons. 40 C.F.R. § 144.82(a)(1). This
18 prohibition applies to “construction, operation, maintenance, conversion, plugging,
19 closure, or any other injection activity.” *Id.* If EPA learns that an injection activity
20 may endanger underground sources of drinking water, the Director of the UIC
21 Program in the EPA Region where the activity is located may require closure of
22 the well, getting a permit, or other actions listed in 40 C.F.R. § 144.12(c)-(e). 40
23 C.F.R. § 144.82(a)(2).

24 28. The owner or operator of Class V wells must comply with notification
25 requirements, including “inventory information” required by 40 C.F.R. § 144.26.
26 *See* 40 C.F.R. § 144.83. Under 40 C.F.R. § 144.83(a)(1), when EPA administers
27 the UIC program, the owner or operator must cease injection, submit the inventory
28

1 information, and may only resume injection 90 days after submitting the
2 information or receiving a notice from the Director of the UIC Program that
3 injection may resume sooner. Under 40 C.F.R. § 144.3, the Regional
4 Administrator is the Director of the UIC Program where there is not an approved
5 State or tribal UIC program. The owner/operator is responsible for knowing,
6 understanding, and complying with these inventory requirements. 40 C.F.R. §
7 144.83(a)(3).

8 29. Under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), the United
9 States may bring a civil action in the appropriate United States district court to
10 seek compliance with any requirement of an applicable UIC program.

11 30. Under Section 1422(d) of SDWA, 42 U.S.C. § 300h-1(d), the
12 applicable UIC program means, for the purposes of this complaint, the program
13 prescribed by the Administrator by regulation at 40 C.F.R. § 147.251.

14 31. Under Section 1423 of SDWA, 42 U.S.C. § 300h-2(b), a civil penalty
15 may be assessed for a violation of an applicable underground injection control
16 program or an order requiring compliance, not to exceed the statutory maximum
17 per day of violation as adjusted by the Federal Civil Penalties Inflation Adjustment
18 Act of 1990, amended by the Debt Collection Improvement Act of 1996, and the
19 subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.
20 The current statutory maximum for SDWA violations occurring after November 2,
21 2015, is \$67,544 if assessed after January 6, 2023. *Id.*

22 EPA Enforcement Authority – Emergency Administrative Orders

23 32. EPA is authorized to issue an emergency administrative order under
24 Section 1431 of the SDWA, 42 U.S.C. § 300i(a), when it receives information that
25 a contaminant is present in or is likely to enter a public water system or an
26 underground source of drinking water which may present an imminent and
27
28

1 substantial endangerment to the public health and where the appropriate State and
2 local authorities have not acted to protect the public health.

3 33. EPA has primary enforcement responsibility for the System and no
4 other governmental authority has applied for and been approved to administer the
5 program on the Reservation.

6 34. Under Section 1431 of the SDWA, 42 U.S.C. § 300i(a), the United
7 States is authorized to bring a civil judicial action for appropriate relief, including
8 to abate an imminent and substantial endangerment.

9 35. Under Section 1431 of the SDWA, 42 U.S.C. § 300i(b), a civil
10 penalty may be assessed for a failure to comply with an administrative order, not to
11 exceed the statutory maximum per day of violation as adjusted by the Federal Civil
12 Penalties Inflation Adjustment Act of 1990, amended by the Debt Collection
13 Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation
14 Adjustment Rule, 40 C.F.R. Part 19. The current statutory maximum for SDWA
15 violations occurring after November 2, 2015, is \$28,239 if assessed after January
16 6, 2023. *Id.*

17
18 **FACTUAL BACKGROUND AND GENERAL ALLEGATIONS**

19 36. The Defendants own and operate the System that is located at 88740
20 Avenue 70, Thermal, California and registered under public water system
21 identification number 090605129.

22 37. The System supplies drinking water from a groundwater source for
23 human consumption through hundreds of service connections to more than 1,000
24 people residing in mobile homes at the Park. The System also serves mobile
25 homes in the part of the Allotment known as Zone 5.

26 38. The System consists of a water treatment plant, a groundwater supply
27 well, treated water storage tanks, and a piping distribution system.
28

1 39. The System currently uses groundwater from “Well No. 2” that has
2 naturally occurring arsenic that is consistently above 80 parts per billion (“ppb”),
3 which exceeds the arsenic maximum contaminant level (“MCL”) of 10 ppb as
4 provided under 40 C.F.R. § 141.62(b)(16).

5 40. To meet the MCL, the System treats the arsenic-laden groundwater
6 using an Environgen Technologies coagulation filtration system, which uses a
7 proprietary media (“Treatment System”). Groundwater is pumped from Well No.
8 2 to the Treatment System. Sodium hypochlorite and ferric chloride are injected
9 prior to the Treatment System, which consists of two reaction vessels and six
10 ATEC Systems (ATEC) manufactured filter vessels. The groundwater pH is
11 adjusted using a carbon dioxide feed to improve the treatment process. Sodium
12 hypochlorite is added for disinfection. Ferric chloride is added as a coagulant that
13 reacts with arsenic to form a filterable floc inside the reaction vessels. Treated
14 water then flows to one of three 20,000-gallon onsite storage tanks that are
15 interconnected prior to being pumped to the distribution system. Filter backwash
16 is conveyed to the onsite backwash tank, which is periodically pumped to the
17 Park’s non-potable water truck and then disposed of at the Park’s waste dump site
18 at the southern edge of the park.

19 41. The original treatment at the System was primarily designed to filter
20 and treat water with an arsenic concentration between 10 to 19 ppb. The Park has
21 since added a treatment process designed to reduce the high arsenic concentrations
22 in the drinking water.

23 42. The Park is not connected to a public sewer. The Park's wastewater
24 treatment system consists of, and may not be limited to, a wastewater lift station,
25 collection lines, subsurface septic tanks, concrete seepage pits, and plastic leaching
26 chambers. The septic tanks, most or all of which serve multiple dwellings, vary in
27
28

1 size from 750 to 2,500-gallon tanks. On occasion, the Park uses a septage hauler to
2 remove waste from the septic tanks.

3 43. The fluid in the Park’s wastewater system contains human waste and
4 raw sewage that consist of contaminants such as *E.coli* and other disease-causing
5 organisms. These bacterial contaminants can cause short terms effects such as
6 diarrhea, cramps, nausea, headaches, and other symptoms.

7 44. Near the Park there are connection points to public water supply pipes
8 that Coachella Valley Water District, the local water utility in Riverside County,
9 manages.

10 45. Each Defendant is a “person” within the meaning of Section 1401(12)
11 of the SDWA, 42 U.S.C. § 300f(12), because they are either a corporation or an
12 individual.

13 46. Each Defendant is a “supplier of water” within the meaning of Section
14 1401(5) of the SDWA, 42 U.S.C. § 300f(5), in that they own or operate a public
15 water system.

16 47. The System is a “public water system” and a “community water
17 system” within the meaning of Section 1401 of the SDWA, 42 U.S.C. § 300f and
18 40 C.F.R. § 141.2, because it regularly serves at least 25 year-round residents.

19 48. Arsenic is a “contaminant” within the meaning of Section 1406(6) of
20 the SDWA, 42 U.S.C. § 300f(6), because it is a chemical substance or matter in
21 water.

22 49. The septic tanks that are part of the wastewater system at the Park
23 qualify as Class V injection wells within the meaning of 40 C.F.R. § 144.80(e)
24 because the septic tanks are shallow wells used to place a variety of fluids directly
25 below the land surface.
26
27
28

1 50. Each Defendant is an “owner or operator” of a Class V injection well
2 within the meaning of 40 C.F.R. § 144.3 because they own and/or operate a
3 “facility or activity” subject to regulation under the UIC program.

4 51. The Class V injection wells at the Park fall under the Underground
5 Injection Program because they are septic tanks and wastewater systems that meet
6 the applicable definitions at 40 C.F.R. §§ 144.3 and 144.80(e); 40 C.F.R. §
7 144.81(9) lists these types of wells as examples of Class V injection wells as the
8 wells inject waste or effluent from multiple residences.

9 **Compliance Efforts and Violations**

10 The 2019 Emergency Order

11 52. EPA received samples from the System at the entry point of the
12 distribution system (“EPDS”) in April, May, and June 2019. The April samples
13 found arsenic at 16 parts per billion (“ppb”). The May samples found arsenic at 94
14 ppb and the June samples found arsenic at 89 ppb.

15 53. Mr. Lawson submitted a subsequent arsenic sample of 97 ppb to EPA
16 in July 2019.

17 54. All of these sampling results from the System exceeded the 10 ppb
18 MCL for arsenic as a contaminant in drinking water.

19 55. In August 2019, EPA issued an Emergency Administrative Order (the
20 “2019 Emergency Order”) to Mr. Lawson and the Park requiring, among other
21 things, that Mr. Lawson provide notice to the Park’s residents of the arsenic
22 contamination, provide an alternative source of drinking water to the Park’s
23 residents, hire a certified water system operator, and take steps to bring the System
24 into compliance with the SDWA.
25

26 56. Mr. Lawson failed to comply with the 2019 Emergency Order and
27 violations persisted.
28

1 57. By letter dated October 17, 2019, EPA notified Mr. Lawson of
2 ongoing violations of the 2019 Emergency Order.

3 58. By letter dated December 19, 2019, EPA notified Mr. Lawson a
4 second time of ongoing violations of the 2019 Emergency Order.

5 59. Between October 31, 2019 and August 26, 2020, the Park's staff
6 collected twenty-nine (29) samples at the EPDS, and all arsenic results were below
7 the MCL.

8 60. Mr. Lawson failed to timely comply with the 2019 Emergency Order
9 by: (1) not adequately providing alternative water to the Park's residents; (2) not
10 providing accurate public notice of any MCL violation as soon as practical; (3)
11 failing to engage a technical provider to assess and identify deficiencies related to
12 the System; and (4) failing to submit a work plan to address the deficiencies with
13 the System.
14

15 The 2020 Emergency Order

16 61. On July 13, 2020, a community group conducted arsenic tests at
17 interior taps in three mobile homes that revealed arsenic levels of 70, 40, and 30
18 ppb.

19 62. Follow-up sampling by the same community group on July 30, 2020
20 showed arsenic levels in the same three mobile homes were 84, 83, and 86 ppb.

21 63. On August 24, 2020, Mr. Lawson reported high levels of sand and
22 clay accumulated in the Park's primary groundwater well ("Well No. 1"), causing it
23 to cease operating. Mr. Lawson stated that he began using Well No. 2 on August
24 22, 2020, without informing EPA of the change. The groundwater from Well No. 2
25 has arsenic levels as high as 100 ppb.

26 64. On August 26, 2020, Mr. Lawson's representatives took samples in
27 individual homes, at a water storage tank, and at the EPDS. The arsenic levels of
28

1 water taken at the taps of residential homes ranged from 78 to 90 ppb, from a water
2 storage tank was 87 ppb, and from the EPDS was 80 ppb.

3 65. After August 2020, additional compliance samples from the System at
4 the EPDS were above the MCL.

5 66. In September 2020, EPA issued a second Emergency Administrative
6 Order (the “2020 Emergency Order”) to Mr. Lawson and the Park. The 2020
7 Emergency Order mirrored many of the requirements of the 2019 Emergency
8 Order. The 2020 Order also required Mr. Lawson to: (1) hire a technical provider
9 for the System; (2) expand arsenic and iron distribution system sampling and
10 analysis; (3) develop a flushing plan for the System; (4) submit an assessment and
11 corrective action plan for the System to address the arsenic precipitating in the
12 distribution system and the high levels of arsenic in Well No. 2; and (5) create a
13 long term compliance plan that discussed how the Park would connect to another
14 public water system.
15

16 67. Mr. Lawson failed to comply with the requirements of the 2020
17 Emergency Order and violations persisted.

18 68. After Mr. Lawson died in May 2021, his children took over operations
19 of the Park temporarily, until the Estate of Scott Lawson took primary
20 responsibility for operations upon the appointment of Sophia Clark as the
21 Administrator of the Estate of Scott Lawson in November 2021.

22 The 2021 Emergency Order

23 69. On September 14, 2021, EPA issued another Emergency
24 Administrative Order (the “2021 Emergency Order”) to the Park; the Estate of
25 Scott Lawson Sr.; Cheweka Salazar Lawson; Sophia Lawson; Scott Lawson Jr.;
26 Martin Lawson; Kim Lawson Jr.; Rose Saubel; and Julie Lawson, and the System.
27 The 2021 Emergency Order largely mirrored the requirements contained in the
28

1 2020 Emergency Order. EPA issued the 2021 Emergency Order given the change
2 in ownership and operation of the Park.

3 70. Prior to issuing the 2021 Emergency Order, EPA consulted with tribal
4 and local authorities and confirmed they had not acted to protect the health of
5 persons in this instance as provided under 42 U.S.C. § 300i(a).

6 71. The Estate of Scott Lawson failed to comply with several
7 requirements under the Order. Specifically, the Estate failed to:

8 a. Submit an Alternative Water Source Plan that details how and
9 where the Estate will provide at least one gallon of potable water per day, per
10 person that the System serves as required under Paragraphs 37 and 62 of the 2021
11 Emergency Order;

12 b. Retain under contract a certified backup operator with operator
13 certification credentials of at least level Distribution 1 and Treatment 1 to run the
14 System on a daily basis as required under Paragraph 40 of the 2021 Emergency
15 Order;

16 c. Follow the EPA-approved Distribution System Sampling Plan
17 by failing to flush residential taps for the prescribed amount of time, failing to take
18 the samples from residential taps, failing to take samples from the same residences,
19 failing to document the chain of custody for samples, and failing to notify EPA of
20 the Estate's deviation in the methodology to collect samples, as required under
21 Paragraph 46 of the 2021 Emergency Order;

22 d. Submit an Assessment of Current Operations as required under
23 Paragraphs 49, 51, and 62 of the 2021 Emergency Order;

24 e. Consistently provide notice of violations of the 2021
25 Emergency Order or in accordance with the requirements under 40 C.F.R. 141
26 Subpart Q as provided under Paragraphs 59 and 60 of the 2021 Emergency Order;
27
28

1 f. Consistently conduct weekly reporting as required under
2 Paragraph 61 of the 2021 Emergency Order; and

3 g. Consistently attend weekly meetings with EPA as required
4 under Paragraph 63 of the 2021 Emergency Order;

5 72. EPA conducted sampling of the System in April 2023 that revealed
6 arsenic concentrations up to 337 ppb and 44.7 ppb were present in the System's
7 storage tanks.

8 73. EPA visited the Park in May 2023 and the issues related to the System
9 remain unabated and arsenic is still present in the System.

10 74. On June 13, 2023, EPA issued an amendment to its 2021 Emergency
11 Order that requires the Defendants to clean their storage tanks, coat any unlined
12 storage tanks, and disinfect the storage tanks prior to refilling them. Alternatively,
13 the amended 2021 Emergency Order also provides for Oasis to replace any storage
14 tank that cannot be properly cleaned, lined, and disinfected.

15 Enforcement Efforts for the Park's Wastewater System

16 75. EPA inspectors conducted a wastewater inspection on February 24
17 and 25, 2021 at the Park for the purpose of inspecting and evaluating Oasis'
18 wastewater collection, conveyance, and treatment infrastructure's compliance with
19 SDWA.
20

21 76. EPA's inspection report noted several compliance issues and areas of
22 concern that indicated the Defendants were not operating the Park's wastewater
23 system in a manner that is safe and protective of public water systems and public
24 health, including:

25 a. The Park did not have documentation of the septic tanks,
26 specifically, an exact of inventory of septic tanks at the Park;

27 b. Some septic tanks at the Park are not designed with adequate
28 capacity to receive and treat wastewater;

1 c. The Defendants admitted that some residences' sanitary
2 wastewater flowed directly to a seepage pit rather than to a septic tank;

3 d. At least four septic tanks are located in close proximity to the
4 System's source well, Well No. 2;

5 e. Some septic tanks at the Park are in close proximity to
6 residences; are installed underneath residences; or are near property lines, trees,
7 and potable water lines;

8 f. The Defendants failed to regularly inspect and maintain the
9 Park's wastewater treatment system;

10 g. Multiple septic tanks were at or beyond capacity;

11 h. The design and operation of the wastewater system presents a
12 risk of contaminants entering the System due to improper cross connections (areas
13 where wastewater pipes are installed in proximity of drinking water pipes) with the
14 distribution lines in the System; and

15 i. The Park's wastewater lift station and associated infrastructure
16 lack operational reliability because they lack a redundant pump and a telemetry or
17 alarm system; they have improper wiring; and the wastewater system's concrete
18 vaults are located adjacent to or near several tree stumps, such that roots could
19 impact the structural integrity of the vaults.
20

21 77. EPA conducted a follow-up walk-through at the Park on December
22 14, 2021, and the wastewater system and the safety and protectiveness issues
23 observed during the February 2021 inspection remained unaddressed.

24 78. EPA inspectors conducted another wastewater inspection on May 26
25 and 27, 2022 at the Park to evaluate compliance with the SDWA and the UIC
26 Class V Well regulations and to assess the overall wastewater system.
27
28

1 79. EPA's inspection report from the May 2022 inspection noted several
2 continuing compliance issues and areas of concern about the Park's wastewater
3 system including:

4 a. The lack of regulatory agency oversight, permitting, or quality
5 control inspection for the design and construction of the wastewater system's
6 infrastructure;

7 b. Continued risk of cross-contamination with other contaminants,
8 not limited to anaerobic pathogens from wastewater, that threaten shallow
9 groundwater sources and the water in the System;

10 c. Continued use of seepage pits in areas with shallow
11 groundwater;

12 d. The inability to inspect the subsurface condition of at least
13 twelve (12) septic systems;

14 e. Work orders noting failing septic systems;

15 f. The placement of septic systems underneath carports, roads,
16 and trailer lots;

17 g. Damaged or removed septic cleanouts and the inability of Oasis
18 to access the wastewater system to conduct regular maintenance and/or address
19 emergency situations;

20 h. Lack of access to maintenance areas;

21 i. Abandonment of Oasis' wastewater lift station without proper
22 regulatory oversight; and

23 j. The continued lack of a wastewater system inventory on file for
24 regulatory agencies to consult.
25

26 80. EPA visited the Park in May 2023 and observed that the
27 aforementioned issues with the wastewater system remain unabated.
28

1 81. The chronic issues related to the design and operation of the Park's
2 wastewater system have created an imminent and substantial endangerment to the
3 public health and environment because contaminants, such as *E. Coli* and other
4 disease-causing organisms, are likely to enter the System.

5 FIRST CLAIM FOR RELIEF

6 (Failure to Provide Inventory Information as Required by the UIC Regulations)

7 82. Paragraphs 1 through 81 are realleged and incorporated by reference.

8 83. Under the UIC program, the Defendants are obligated to provide EPA
9 inventory information about any Class V injection wells at the Park. 40 C.F.R. §§
10 144.26 and 144.83.

11 84. Defendants violated and continue to violate 40 C.F.R. §§ 144.26 and
12 144.83 by failing to provide inventory information for the Park's wastewater
13 system.

14 85. Unless enjoined by an order of the Court, these and similar violations
15 are likely to continue.

16 86. Under the SDWA, 42 U.S.C. § 300h-2(b), as modified, the
17 Defendants are liable to the United States for injunctive relief and civil penalties
18 for the violations set forth above, occurring on or after five years prior to the date
19 of filing, in an amount up to \$67,544 per day of violation for each violation
20 occurring after November 2, 2015 where penalties are assessed on or after January
21 6, 2023 as codified at 40 C.F.R. § 19.4.

22 SECOND CLAIM FOR RELIEF

23 (Violation of the 2021 Emergency Order)

24 87. Paragraphs 1 through 81 are realleged and incorporated by reference.

25 88. As set forth in Paragraph 69, the EPA issued an Emergency
26 Administrative Order on September 14, 2021, requiring compliance with its
27 requirements.
28

1 89. As set forth in Paragraph 71, Defendant Sophia Clark Lawson, in her
2 capacity as Administrator of the Estate of Scott Lawson, failed to fully comply
3 with the 2021 Emergency Order and is subject to civil penalties under the SDWA.

4 90. The Defendant Sophia Clark Lawson, in her capacity as Administrator
5 of the Estate of Scott Lawson, continues to be in violation of the 2021 Emergency
6 Order.

7 91. Under Section 1431(b) of the SDWA, 42 U.S.C. § 300i(b), violations
8 of the 2021 Emergency Order, as set forth above, are subject to civil penalties of
9 up to \$28,239 per day for each violation of the Emergency Administrative Order
10 for penalties assessed after January 12, 2023, as codified at 40 C.F.R. § 19.4.

11 THIRD CLAIM FOR RELIEF

12 (Imminent and Substantial Endangerment – Drinking Water)

13 92. Paragraphs 1 through 81 are realleged and incorporated by reference.

14 93. The Regional Administrator of EPA Region 9, with delegated
15 authority from the Administrator of EPA, is in receipt of information that arsenic –
16 a contaminant – is present in or is likely to enter the System at the Park, which may
17 present an imminent and substantial endangerment to the health of persons that use
18 the System. The Regional Administrator has consulted with tribal and local
19 authorities to confirm the correctness of the information, to ascertain the action
20 which such authorities are or will be taking and determined they have not acted to
21 protect the health of persons in this instance.
22

23 94. The United States seeks an injunction requiring corrective measures
24 as provided in Section 1431(a) of the SDWA, 42 U.S.C. § 300i(a), to abate the
25 imminent and substantial endangerment from the Defendant’s failure to correct and
26 maintain the System.
27

28 FOURTH CLAIM FOR RELIEF

1 (Imminent and Substantial Endangerment – Wastewater System)

2 95. Paragraphs 1 through 81 are realleged and incorporated by reference.

3 96. The Regional Administrator of EPA Region 9, with delegated
4 authority from the Administrator of EPA, is in receipt of information that
5 contaminants associated with human waste are likely to enter the Public Water
6 System at the Park, which may present an imminent and substantial endangerment
7 to the health of persons at the Park. The Regional Administrator has consulted
8 with tribal and local authorities to confirm the correctness of the information and to
9 ascertain the action which such authorities are or will be taking and determined
10 they have not acted to protect the health of persons in this instance.

11 97. The United States seeks an injunction requiring corrective measures
12 as provided in Section 1431(a) of the SDWA, 42 U.S.C. § 300i(a), to abate the
13 imminent and substantial endangerment from the Defendant’s failure to correct and
14 maintain the Park’s wastewater system.
15

16 PRAYER FOR RELIEF

17 WHEREFORE, Plaintiff the United States prays that the Court:

18 1. Enter an injunction requiring Defendants to abate any imminent and
19 substantial endangerment at the Park with respect to the System and with respect to
20 the wastewater system;

21 2. Enter an injunction requiring Defendants to comply with all
22 applicable SDWA regulations, particularly with respect to the UIC program at 40
23 C.F.R. Part 144.

24 3. Enter a money judgment for civil penalties not to exceed the statutory
25 maximum;

26 4. Award court costs to the United States; and

27 5. Grant such other relief as this Court deems just and proper.
28

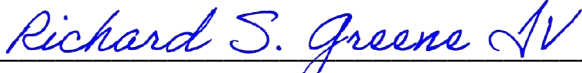
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: 8/11/23

TODD KIM

Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice


RICHARD S. GREENE IV (TN Bar # 024450)
JAMES R. MacAYEAL (DC Bar # 474664)
Richard.Greene@usdoj.gov
Jamie.Macayeal@usdoj.gov
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044 7611

Attorneys for the United States

OF COUNSEL:

NATHANIEL BOESCH
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Certificate of Service

In accordance with L.R. 5-3.1.1 and 5-3.1.2, I served this complaint and the attachments to the complaint (EPA’s 2021 Emergency Order and Amended Order) on August 15, 2023 via electronic mail to Mark Mazda, the attorney of record for the defendants listed in the caption of the complaint.

Richard S. Greene IV

Richard S. Greene IV

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28