



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

April 21, 2020

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Ronald A. Foote, President
Red Lane Domestic Water, Inc.
ronarveyfoote@gmail.com

Re: Violation of Red Lane Domestic Water, Inc Administrative Order, Docket No. SDWA-08-2020-0019, Red Lane Domestic Water, Inc Public Water System, PWS ID #WY5600232

Dear Mr. Foote:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties. Specifically, on January 27, 2020, the EPA issued the above-referenced Administrative Order (Order), directing Red Lane Domestic Water, Inc. (the Company), to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that the Company is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 19, 23, 25 and 26 on pages 3, 4 and 5 of the Order), which have not been fulfilled:

- Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule (Schedule) and plan to the EPA for completion of all corrective actions. The Schedule shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency according to the schedule approved by the EPA and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. § 141.723(d).
Corrective actions:
 - Tank ST01 - Storage Tank (16,500 gallons) must be cleaned and inspected and documentation of the cleaning and the results of the inspection provided to the EPA.
- Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual Consumer Confidence Report, to include all information required by 40 C.F.R. §§ 141.153

and 141.154 , for the System for calendar years 2016 to 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCRs for 2016 and 2017 have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155 .

- Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the significant deficiency violation, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).
- Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the failure to monitor for trihalomethanes (TTHM) and haloacetic acids (HAA5) during July of 2017, failure to monitor for lead and copper during the triennial 2013 to 2015 and annual 2016 monitoring periods, and failure to monitor for total coliform bacteria during June of 2018 violations. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

In other words, the Company was required to consult with the EPA regarding action to correct significant deficiencies and submit a proposed schedule (Schedule) and plan to the EPA for completion of all corrective actions, prepare an annual Consumer Confidence Report for calendar years 2016 and 2017, post respective tier 2 and tier 3 public notices and submit public notice certifications. Our records indicate that the Company did not consult with the EPA regarding corrective action for significant deficiency correction, submit past due Consumer Confidence Reports, or post the required public notices.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

Please note that the EPA may choose not to file a complaint seeking civil penalties if the Company incurs no additional violations of this Order and consults with the EPA for corrective action of significant deficiencies and submits a plan and Schedule, submits past due Consumer Confidence Reports, and posts public notices regarding the above-referenced violations within 30 calendar days. The Order also requires the Company to deliver a consumer notice of the 2018 and 2019 individual tap monitoring results to the persons served at each sampled site within 90 days after receipt of the Order, monitor the System's water for lead and copper between June 1, 2020, and September 30, 2020, and monitor the System's water annually for TTHM and HAA5 at the specific location during the month identified in the System's monitoring plan.

For assistance with actions necessary to come into compliance, please contact Steven Latino at (303) 312-6440 or (800) 227-8917 extension 312-6440. If the Company is represented by an attorney, please ask the attorney to direct any questions or comments to Matthew Castelli, Senior Assistant Regional Counsel, at (303) 312-6491 or castelli.matthew@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Hot Springs County Commissioners (tom.ryan@hscounty.com)
Melissa Haniewicz, EPA Regional Hearing Clerk