



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

APR 24 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Stephen Hughes, Chair
500 S. Gillette Avenue, Suite 1100
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act
Enforcement Action against
LeMaster Enterprises
PWS ID#5601515

Dear Commissioners:

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

An Administrative Order is being issued to Linda Capps, Trustee of the Springler Family Trust and Leo Springler Revocable Trust, as owner and/or operator of LeMaster Enterprises. This Order requires that Ms. Capps take measures to return the LeMaster Enterprises public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding the maximum contaminant level and failure to monitor for total coliform bacteria, failure to complete corrective action of significant deficiencies, and failure to report the violations to the EPA.

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,

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

Enclosure



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REGION 8**

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DENVER, CO 80202-1129
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APR 24 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Linda Capps, Trustee
Springler Family Trust and Leo Springler Revocable Trust
4415 Wilson Way
Gillette, WY 82718

Re: Administrative Order
LeMaster Enterprises Water System
Docket No. **SDWA-08-2012-0022**
PWS ID #5601518

Dear Mrs. Capps:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) 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 you, as owner and/or operator of the LeMaster Enterprises water system (the System), have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the 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 you believe the EPA may not have.

If you comply 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 at the above address (with the mailcode 8ENF-W) or by phone at

(800) 227-8917, extension 6481, or (303) 312-6481. Any questions from an attorney representing you should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over a horizontal line. The signature is somewhat stylized and cursive.

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

Enclosures:

Order
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 APR 24 AM 10: 04

IN THE MATTER OF:)
)
Linda Capps,)
)
Respondent.)

Docket No. **SDWA-08-2012-0022**

FILED
EPA REGION VIII
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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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Linda Capps (Respondent), as Trustee of the Springler Family Trust and Leo Springler Revocable Trust, is an individual who owns and/or operates the LeMaster Enterprise Water System (the System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of two wells. The System's water is continuously chlorinated.
4. The System has approximately 27 service connections used by year-round residents and/or regularly serves an average of approximately 71 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in section 1401 of the Act, 42 U.S.C. § 300f, and 40 C.F.R. § 141.2.
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. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the months of December 2011 and January 2012 and, therefore, violated this requirement.
7. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of June and July 2011 two or more samples from the System were positive for total coliform, and, therefore, violated this requirement.
8. Respondent is required to complete corrective action of a significant deficiency in compliance with an approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The System received a letter from EPA on February 22, 2011

that detailed the significant deficiencies and EPA subsequently approved the System's schedule, and subsequent extensions, to complete corrective actions of the significant deficiencies by November 30, 2011. Respondent failed to complete corrective action of the significant deficiencies by November 30, 2011 and/or failed to notify the EPA of the completion of the corrective actions by December 30, 2011, and, therefore, violated this requirement.

9. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 6, above, to the EPA and, therefore, violated this requirement.

10. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

11. 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 violation cited in paragraph 8, above, to the EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

12. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

13. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

14. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The proposed schedule shall include specific milestone dates and a final compliance date to be within 3 months from the date of the EPA's approval of the plan and schedule. The plan and schedule must be approved by the EPA before

construction or modifications can begin. The EPA's approval of Respondent's plans and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

15. The plan and schedule required by paragraph 14, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

16. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 14, above, Respondent shall notify the EPA of the project's completion.

17. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than 3 months after receipt of the EPA's approval of the plan and schedule required by paragraph 14 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

18. Within 10 days of receipt of this Order, Respondent shall notify the EPA in writing of the corrective action status of the System's significant deficiencies, as required by 40 C.F.R. § 141.405(a)(2). If the corrective actions have not been completed, Respondent shall complete the corrective actions within 45 days of receipt of this Order. Within 10 days of completion of the corrective actions, Respondent shall provide evidence to EPA that the corrective actions have been completed, including a copy of the Emergency Response Plan, photographs of all improvement, and the following certification signed by a person of authority at the System: "I certify under penalty of perjury that LeMaster Enterprises has completed all corrective actions to address all significant deficiencies."

- (a) All wells must be appropriately capped and the sanitary seals on all wellheads configured such that the electrical cables entering the well are sealed. If a well is located inside a building, the top of the casing and any other well opening shall not terminate in the basement of the building, or in any pit or space that is below natural ground surface unless the well vault has a properly protected sump pump. If the sump pump is not installed in the well pit, the casing must be extended a minimum of 18 inches above ground level.
- (b) Develop an emergency response plan that outlines what action will be taken by whom during an emergency situation.
- (c) Protect the casing and/or well house from entrance by animals and remove mice and their droppings.
- (d) Tank hatches above the waterline must be framed at least 4 inches (0.1 m) above the surface of the roof at the opening, be fitted with a solid watertight cover (rubber gasket) which overlaps the framed opening and extends down around the frame at least 2 inches (5 cm), have a minimum inside opening diameter of 24 inches, and the hatch's cover must be hinged at one side and have a locking device.

- (e) Screen all storage tank vents, overflow, and drain lines with a #24-mesh screen or a properly sealed flapper valve.
- (f) The storage tank must have an overflow pipe which is brought down to an elevation between 12 and 24 inches (0.3-0.61 m) above the ground surface and discharges over a drainage inlet structure or a splash pad. All overflow pipes shall be located so that any discharge is visible.

19. 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.

20. Respondent shall direct all reporting required by this Order to:

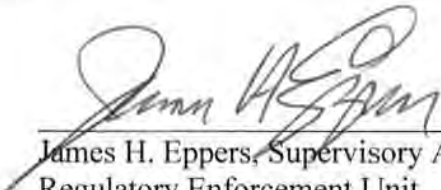
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

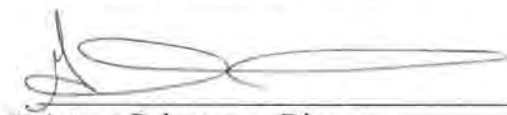
GENERAL PROVISIONS

21. 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.

22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: April 24, 2012


James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice


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