



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

APR 19 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Fremont County Commissioners  
c/o Douglas L. Thompson, Chairman  
378 Graham Road  
Lander WY 82520

Re: Notice of Safe Drinking Water Act Enforcement  
Action against the Sawmill Lodge, Inc.  
PWS ID # WY5601543

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to the Sawmill Lodge, Inc., located in Fremont County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, and failing to monitor for nitrate.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor".

Darcy O'Connor, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure  
Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

APR 19 2010

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donald E. Holmes, Registered Agent  
The Sawmill Lodge, Inc.  
1 Fir Road, Union Pass  
Dubois, WY 82513

Re: Administrative Order  
The Sawmill Lodge Public Water  
System  
Docket No. SDWA-08-2010-0035  
PWS ID #WY5601543

Dear Mr. Holmes:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that the Sawmill Lodge, Inc., as owner and/or operator of the Sawmill Lodge water system, has violated the National Primary Drinking Water Regulations (drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information the Sawmill Lodge, Inc. believes EPA may not have. If the Sawmill Lodge, Inc. complies with the Order, 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 request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Sawmill Lodge, Inc.'s attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,



Darcy O'Connor, Acting 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  
Helen Morse, Controller, The Sawmill Lodge, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 APR 19 AM 9:13

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )  
 )  
The Sawmill Lodge, Inc., )  
 )  
 )  
Respondent. )

Docket No. SDWA-08-2010-0035

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The Sawmill Lodge, Inc., (Respondent), is a Wyoming corporation that owns and/or operates the Sawmill Lodge Water System (the system), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of three wells and water is treated by a water softening unit.
4. The system has approximately 2 service connections and/or regularly serves at least 65 individuals daily at least 60 days out of the year, from May through March of each year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondent is required to monitor the system's water quarterly for total coliform bacteria and have each sample properly analyzed by a laboratory. 40 C.F.R. § 141.21(a) and (f). Respondent failed to monitor the system's water for total coliform bacteria during the third and fourth quarters of 2009, and, therefore, violated this requirement. While Respondent collected a sample of the system's water on October 9, 2009, that sample was received by the laboratory after the EPA-recommended holding time had expired, invalidating

any results, and Respondent did not provide a replacement sample for analysis during the fourth quarter of 2009, resulting in the cited violation for that quarter.

8. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2009, and, therefore, violated this requirement.

9. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

10. Respondent is required to report any violation of any drinking water regulation to 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 to EPA and, therefore, violated this requirement.

### ORDER

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

11. Respondent shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21.

12. Respondent shall monitor the system's water annually for nitrate per the regulations. 40 C.F.R. § 141.23(d).

13. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

14. Respondent shall report any violation of the total coliform monitoring requirements to EPA within ten days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

15. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours or, if another time period for reporting is specified in this Order or the drinking water regulations, within that time period, as required by 40 C.F.R. § 141.31(b).

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

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

**GENERAL PROVISIONS**

17. This Order does 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 EPA to forgo any civil or criminal action.

18. 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 19, 2010

David Rochlin

Michael T. Risner, Director  
David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Darcy O'Connor

Darcy O'Connor, Acting Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

