



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Cliff Spoonemore, President  
Cheyenne Shrine Club  
P.O. Box 322  
Cheyenne, Wyoming 82003

Re: Administrative Order issued to Cheyenne Shrine Club Public Water System,  
PWS ID #WY5601102, Docket No. **SDWA-08-2020-0001**

Dear Mr. Spoonemore:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 the Cheyenne Shrine Club (Corporation), as owner and/or operator of the Cheyenne Shrine Club Public Water System (System), has violated the National Primary Drinking Water Regulation (Drinking Water Regulation) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Corporation has that the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from you, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to civil administrative 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 Regulation. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulation. The EPA's approval of your schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

You are required to notify the public quarterly by completing a public notice (PN) until the nitrate maximum contaminant level violation is resolved. Please submit a copy of the completed PN to the EPA each quarter.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal via email at [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov), or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from your attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554 or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Colleen Rathbone". The signature is written in a cursive, flowing style.

Colleen Rathbone, Chief  
Water Enforcement Branch

Enclosures

cc:

WY DEQ/ DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Laramie County Commissioner ([bholmes1942@yahoo.com](mailto:bholmes1942@yahoo.com))  
Christopher Brown w/ WY DEQ, UIC Program ([Christopher.Brown@wyo.gov](mailto:Christopher.Brown@wyo.gov))  
Keith White, President ([keith\\_whi@msn.com](mailto:keith_whi@msn.com))  
Charles Inman, Treasurer ([chuckinman@bresnan.net](mailto:chuckinman@bresnan.net))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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FILED  
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HEARING CLERK

IN THE MATTER OF:

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Docket No. **SDWA-08-2020-0007**

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Cheyenne Shrine Club Public Water System

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**ADMINISTRATIVE ORDER**

PWS# WY5601102

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Respondent

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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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Cheyenne Shrine Club (Respondent) is a Wyoming corporation that owns and/or operates the Cheyenne Shrine Club Public Water System (System), which provides piped water to the public in Laramie County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via one well and is operated year-round. The water is not treated.
4. The System has approximately one service connection and regularly serves an average of approximately 25 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in section 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 40 C.F.R. part 141 (Drinking Water Regulation). The Drinking Water Regulation is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

**VIOLATIONS**

6. The maximum contaminant level (MCL) for nitrate is 10 milligrams per liter (mg/L), with compliance to be based on the average of an initial and a confirmation sample. 40 C.F.R. §§ 141.23(f)(2) and (3) and 141.62(b). The initial sample taken on September 11, 2019, was 13.06 mg/L and the confirmation sample taken on September 17, 2019, was 14.39 mg/L. The average of the initial sample and the confirmation sample is 13.72 mg/L, and, therefore, Respondent violated the nitrate MCL.

**ORDER**

Respondent is ordered to perform the following actions upon Respondent’s receipt of this Order (unless a different deadline is specified below):

7. Respondent is ordered to comply with all provisions of the Act and the Drinking Water Regulation, including but not limited to each requirement cited above.
8. Within 30 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule (Schedule) to bring the System into compliance with the nitrate MCL as identified in 40 C.F.R. § 141.62(b).

- a. The plan shall include proposed modifications to the System and estimated costs of such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (*which shall be within six months of the project start date*). Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance Schedule.
- b. The Schedule required by this paragraph shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
- c. Within 30 days after receipt of the EPA's approval of the Schedule required by this paragraph, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the nitrate MCL. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.
- d. Within 10 days after completing all tasks included in the Schedule required by paragraph 8 above, Respondent shall notify the EPA of the project's completion.

9. The System shall achieve compliance with the nitrate MCL by the final compliance date specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps, seek penalties for noncompliance, or both.

10. The System shall keep the September 27, 2019, public notification posted until notified by EPA. The System shall update the public notification quarterly until the nitrate MCL violation is resolved. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.

11. For any future violation of the Drinking Water Regulation for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulation specifies a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

12. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.

13. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

**GENERAL PROVISIONS**

14. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
15. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulation. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
16. Violation of any part of this Order, the Act, or the Drinking Water Regulation may subject Respondent to a civil penalty of up to \$57,317 (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; 84 Fed. Reg. at 2059 (February 6, 2019).
17. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: October 2, 2019.

  
Colleen Rathbone, Chief  
Water Enforcement Branch

# U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

## Office of Small and Disadvantaged Business Utilization (OSDBU)

[www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu](http://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu)

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

## EPA's Asbestos Small Business Ombudsman (ASBO)

[www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman](http://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman) or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

## Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

## EPA's Compliance Assistance Homepage

[www.epa.gov/compliance](http://www.epa.gov/compliance)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

## Compliance Assistance Centers

[www.complianceassistance.net](http://www.complianceassistance.net)

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

## Agriculture

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

## Automotive Recycling

[www.ccarcenter.org](http://www.ccarcenter.org)

## Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

## Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

## Construction

[www.cicacenter.org](http://www.cicacenter.org)

## Education

[www.campuserc.org](http://www.campuserc.org)

## Food Processing

[www.fpeac.org](http://www.fpeac.org)

## Healthcare

[www.hercenter.org](http://www.hercenter.org)

## Local Government

[www.lgean.org](http://www.lgean.org)

## Surface Finishing

<http://www.sterc.org>

## Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

## Printing

[www.pneac.org](http://www.pneac.org)

## Ports

[www.portcompliance.org](http://www.portcompliance.org)

## Transportation

[www.tercenter.org](http://www.tercenter.org)

## U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

## EPA Hotlines and Clearinghouses

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

## Clean Air Technology Center (CATC) Info-line

[www.epa.gov/catc](http://www.epa.gov/catc) or 1-919-541-0800

## Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

## EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 1-734-214-4100

## National Pesticide Information Center

[www.npic.orst.edu](http://www.npic.orst.edu) or 1-800-858-7378

**National Response Center Hotline** to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

## Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/p2/pollution-prevention-resources#ppic](http://www.epa.gov/p2/pollution-prevention-resources#ppic) or 1-202-566-0799

## Safe Drinking Water Hotline -

[www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline](http://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline) or 1-800-426-4791

## Toxic Substances Control Act (TSCA) Hotline

[tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov) or 1-202-554-1404

### **Small Entity Compliance Guides**

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### **Regional Small Business Liaisons**

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### **State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### **State Small Business Environmental Assistance Programs (SBEAPs)**

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### **EPA's Tribal Portal**

[www.epa.gov/tribalportal](http://www.epa.gov/tribalportal)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### **EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

#### **EPA's Small Business Compliance Policy**

[www.epa.gov/enforcement/small-businesses-and-enforcement](http://www.epa.gov/enforcement/small-businesses-and-enforcement)

#### **EPA's Audit Policy**

[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

### **Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### **Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*