



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

DEC 28 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Octavio and Jon Sowerwine  
Streamside Inn  
43 Streamside Drive  
Cody, WY 82414

Re: Administrative Order  
Docket No. **SDWA-08-2008-0012**  
PWS ID #WY5601141

Dear Messrs. Sowerwine:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how you have violated the National Primary Drinking Water Regulations.

An information request that is required to be completed and returned to EPA within 10 days and a public notice template to assist you in completing the public notice requirement in the Order are also enclosed.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the Order for twelve months, 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.

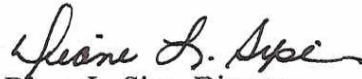
Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation. A public notice template to assist you in completing the public notice requirement in the Order is also enclosed.

To submit information or request an informal conference with EPA, 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. For legal questions, the attorney assigned to this matter is

Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Public Notice template  
Information Request  
Information sheet

cc: WY DEQ/DOH (via email)



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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Park County Commissioners  
c/o Bucky Hall, Chair  
1002 Sheridan Avenue  
Cody, WY 82414

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Octavio and  
Jon Sowerwine (Streamside Inn)  
PWS ID# WY5601141

Dear County Commissioners:

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

An Administrative Order is being issued to Octavio and Jon Sowerwine as owners and/or operators of Streamside Inn, Cody, Wyoming. This Order requires that the Sowerwines take measures to return the public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for total coliform and nitrate; and failing to report these violations to EPA and the public.

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,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

2007 DEC 28 AM 11:56

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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IN THE MATTER OF: )  
)  
Octavio E. Sowerwine and )  
Jon Sowerwine as owners/operators ) ADMINISTRATIVE ORDER  
Streamside Inn )  
Cody, WY )  
)  
Respondent. ) Docket No. **SDWA-08-2008-0012**  
)

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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 the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. §300f *et seq.*), as properly delegated to the undersigned officials.

2. Octavio and Jon Sowerwine (Respondents) are individuals who own and/or operate the Streamside Inn Water System (the system) in Park County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves an average daily population of approximately 60 people through one service connection for the months of June through August. The system is a "non-community" water system as defined in 40 C.F.R. §141.2. Respondents are subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141.

VIOLATIONS

3. Respondents are required to monitor the system's water to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. Monitoring is to be at least once per quarter that the system serves water to the public. 40 C.F.R. §141.21. Respondents failed to monitor the system's water for total coliform contamination during the 2<sup>nd</sup> (April - June) and 3<sup>rd</sup> (July-September) quarters of 2006 and 2007, and therefore violated this requirement.

4. Respondents are required to required to monitor the system's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. §141.23(d). Respondents failed to monitor the water for nitrate contamination in 2006, and therefore violated this requirement.

Octavio E. Sowerwine  
and Jon Sowerwine /  
Streamside Inn

5. The law requires Respondents to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§141.201 *et seq.* Respondents failed to notify the public of the violations listed in paragraphs 3 and 4 above, and therefore violated this requirement.

6. Respondents are required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after the system learns of the violation. 40 C.F.R. §141.21(g)(2). Respondents failed to report to EPA the failure to monitor total coliform violations listed in paragraph 3 above, and therefore violated this requirement .

7. Respondents are required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the regulations) to EPA within 48 hours. 40 C.F.R. §141.31(b). Respondents failed to report to EPA the violations listed in paragraphs 4 and 5 above to EPA, and therefore violated this requirement.

### **ORDER**

Based on the above violations, Respondents are ordered to perform the following actions, upon receipt of this Order unless otherwise specified:

8. Within 10 days of receipt of this Order, the Respondents shall complete and return to EPA the attached information request.

9. Respondents shall monitor for total coliform bacteria during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of each calendar year. 40 C.F.R. §§141.21, 141.63. Respondents shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. §141.31(a). Any violation of the total coliform monitoring requirements shall be reported to EPA within ten days after either Respondent learns of it. 40 C.F.R. §141.21(g)(2).

10. Within 30 days of receipt of this Order, Respondents shall monitor the system's water for nitrate. Thereafter, Respondents shall monitor at least annually for nitrate, as required by the drinking water regulations. 40 C.F.R. §141.23(d). Respondents shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. §141.31(a). Any violation of the nitrate monitoring requirements shall be reported to EPA within 48 hours. 40 C.F.R. §141.31(b).

Octavio E. Sowerwine  
and Jon Sowerwine /  
Streamside Inn

11. During the month of June 2008, Respondents shall provide notice to the public of the violations listed above by (1) posting the notice for as long as each violation persists, but no less than seven days in public locations where it will be seen by people served by the system, or (2) mailing or delivering the notice to each customer and connection, and (3) any other effective method if people would not be notified by either of the first two notice options. 40 C.F.R. §141.201 *et seq.* Specific notice requirements can be found in the attached public notice sample. Respondents shall send a copy of the notices to EPA within 10 days after providing the notice.

12. All reporting required by this order shall be directed to:

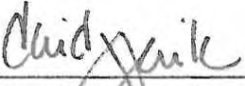
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

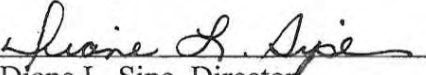
13. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

14. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. §§300g-3(g)(3) and 300j-4(c); 40 C.F.R. part 19.

DEC 26 2007  
Date

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

DEC 28 2007  
Date

  
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Diane L. Sipe, Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice