



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JAN 22 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent
Encore Energy Partners Operating LLC
1712 Pioneer Avenue, Suite 120
Cheyenne, Wyoming 82001

Re: Administrative Order issued to Encore Energy Partners Operating LLC,
PWS ID #5600906, Docket # **SDWA-08-2015-0006**

Dear Registered Agent:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 the Encore Energy Partners Operating LLC (Encore), as owner and/or operator of the Encore Energy Partners Operating LLC/Clarks Fork public water system (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (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 Encore believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from Encore, the EPA will assume this information is correct.

If Encore complies 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.

Please be aware that Encore is required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA encourages Encore to contact any other governmental agency or agencies that may require approval of the plan and/or schedule prior to modifying the System.

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), via email at brainich.kathelene@epa.gov, or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address

(with the mailcode 8ENF-L), via email at 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,



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

Enclosure

cc: Richard W. Fisher, Encore Energy Partners (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk





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JAN 22 2015

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

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

Re: Notice of Safe Drinking Water Act Enforcement Action against Encore Energy Partners Operating LLC, PWS ID # 5600906

Dear Commissioners:

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

An Administrative Order (Order) is being issued to Encore Energy Partners Operating LLC, as owner and/or operator of the Encore Energy Partners Operating/Clarks Fork Public Water System, located in Park County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violation alleged in the Order is non-compliance with the Long Term 2 Enhanced Surface Water Treatment Rule (*Cryptosporidium* treatment).

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,



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

Enclosure



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ORDER

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

7. Within 90 days after receipt of this Order, Respondent shall provide the EPA with a plan and schedule for the System to come into compliance with the LT2ESWTR at 40 C.F.R. part 141, Subpart W. The proposed schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline along with an estimated cost of the project. The schedule must be approved by the EPA before the project can begin.
8. Each deadline in the schedule required by paragraph 7, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
9. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 7, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the LT2ESWTR. Each quarterly report is due by the 10th day of the month following the end of the relevant quarter.
10. Within 10 days after completing all tasks included in the schedule required by paragraph 7, above, Respondent shall notify the EPA of the project's completion.
11. No later than the final date specified in the approved schedule, or no later than 2 years after receipt of the EPA's approval of the schedule required by paragraph 7, above, whichever is earlier, Respondent shall achieve and maintain compliance with the LT2ESWTR at 40 C.F.R. part 141, Subpart W. If Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
12. If the population or number of connections served by the System falls below 25 individuals, Respondent shall notify the EPA in writing within 10 days.
13. This Order shall be binding on Respondent, any of its successors and assigns, and any person (e.g., employee, contractor or other agent) acting in concert with Respondent.
14. 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, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser or contractor and, no later than 10 days thereafter, notify the EPA in writing of the lease, sale or other contract with such notification to include the name and contact information of the person who has leased, bought or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

15. Respondent shall send all reporting and notifications required by this Order in writing to:

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

GENERAL PROVISIONS

16. 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.

17. 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.

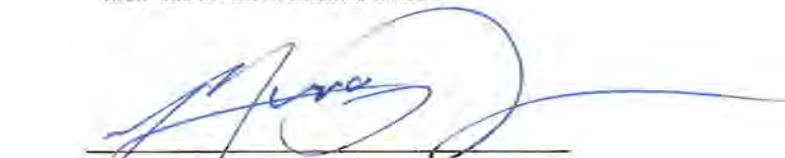
18. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

19. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: Jan 22, 2015.



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