



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

JUL 5 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Jeff Ketcham, Chairman  
310 W. 19<sup>th</sup> Street  
Cheyenne, WY 82001

Re: Administrative Order  
Docket No. SDWA-08-2009-0058  
PWS ID # WY5601270

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 Mountain View Estates located in Cheyenne, WY. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations are failure to monitor for lead and copper, failure to monitor for pesticides and herbicides, failure to complete and distribute a Consumer Confidence Report, and failure to report these violations to the EPA.

For further 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 Mario Mérida at (303) 312-6297.

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  
Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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JUL 9 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David Buchanan, Owner  
Mountain View Estates  
P.O. Box 20321  
Cheyenne, WY 82003

Re: Administrative Order  
Docket No. SDWA-08-2009- 0058  
PWS ID # WY5601270

Dear Mr. Buchanan:

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. § 300f *et seq.* Among other things, the Order describes how you, as owner of the Mountain View Estates system, have violated the National Primary Drinking Water Regulations.

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.

The Order requires you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template to assist in providing that notice.

Also enclosed is a small business resources information sheet, which outlines compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, 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. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

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 samples/templates  
U.S. EPA Small Business Resources information sheet

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ (via e-mail)  
WY DOH (via e-mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
HEARING CLERK

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IN THE MATTER OF )  
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David Buchanan, Owner )  
Mountain View Estates )  
Water System )  
Cheyenne, Wyoming )  
 )  
Respondent. )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0058

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. David Buchanan (Respondent) is an individual who owns and/or operates the Mountain View Estates Water System (the system) in Laramie County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one primary well and one reserve well and serves up to 75 people daily through 34 service connections year-round. The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is 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. Respondent is required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper on June 27, 2005 and the next sampling was due in 2008. Respondent failed to sample for lead and copper between June 1, 2008 and September 30, 2008 and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water once every three years to determine compliance with the maximum contaminant level (MCL) for pesticide/herbicide organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(h). Respondent most recently monitored for pesticide/herbicide organic contaminants on December 18, 2007. However,

Respondent failed to sample for the specific pesticide/herbicide organic contaminants "Carbofuran" and "OxamyI" during the 2005-2007 monitoring period, collecting samples for these contaminants instead on January 9, 2008, and, therefore, violated this requirement.

5. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers and provide a copy of the report to EPA by July 1 of each year. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152-155. Respondent failed to prepare and deliver a CCR for calendar year 2006 and, therefore, violated this requirement.

6. Respondent is required 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.* Respondent failed to notify the public of the violations listed in paragraph 4, and therefore violated this requirement. Public notice for failure to monitor violations that occurred in 2008 is not yet overdue.

7. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 3 through 6 above to EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions upon receipt of this Order by Respondent unless another deadline is specified:

8. Between June 1 and September 30, 2009, Respondent shall monitor for lead and copper and shall continue to monitor for lead and copper per the regulations thereafter. Respondent shall collect 5 samples during each sampling event. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

9. Respondent shall monitor for all pesticides/herbicide organic contaminants per the regulations. 40 C.F.R. § 141.24(h). The next complete set of sampling is due by December 31, 2010. Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

10. Within 30 days of receipt of this Order, Respondent shall complete and distribute a CCR for calendar year 2006 and submit a copy to EPA. Respondent shall

complete and distribute an annual CCR and provide EPA a copy of the CCR by July 1 and a certification by October 1 of each year. 40 C.F.R. § 141.155(c) and 152(b).

11. Within 30 days, Respondent shall provide public notice of the violations specified in paragraphs 3 and 4 above. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the system; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Respondent must issue a repeat notice every three months for as long as the violation persists. Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. §§ 141.201 *et seq.*

12. Respondent shall report any violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

13. Reporting requirements specified in this Order shall be provided by certified mail to:

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

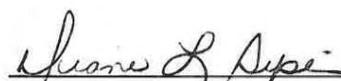
### **GENERAL PROVISIONS**

14. 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.

15. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 9<sup>th</sup> day of July, 2009.

  
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David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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