



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

NOV 13 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Craig G. Mader, Chair
P.O. Box 92
Gillette, Wyoming 82717

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Sports Bar, PWS ID# WY5601522

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 the Sports Bar Public Water System, Gillette, Wyoming. This Order requires that the public water system take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample; failure to collect at least five routine total coliform samples after a total coliform positive sample in the preceding month; and failing to report such violations to EPA.

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 Melanie Wasco at (303) 312-6540.

Sincerely,

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

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

Enclosure



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Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sports Bar
c/o James Scott Ostlund, Owner
1400 North Highway 14-16
Gillette, Wyoming 82716

Re: Administrative Order
Docket No. **SDWA-08-2008-0007**
PWS ID# WY5601522

Dear Mr. Ostlund:

Enclosed is an Administrative Order issued by the United States 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 have violated the National Primary Drinking Water Regulations.

This is the second Order issued to you. The Order issued to you on March 22, 2007, regarding Sports Bar Public Water System remains in effect.

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 18 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.

To submit information or request an informal conference with EPA, please contact Melanie Wasco at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6540 or (303) 312-6540. For legal questions, the attorney assigned to this matter

is Jessie Goldfarb, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6926 or (303) 312-6926.

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
Information sheet

cc: (via facsimile)
Therese Hinshaw, Water Guy LLC

ec: Wyoming DEQ
Wyoming DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 NOV 13 AM 10:01

IN THE MATTER OF)
)
James Scott Ostlund, Owner)
Sports Bar)
Gillette, Wyoming)
PWS ID# WY5601522)
)
Respondent)

ADMINISTRATIVE ORDER
HEARING OFFICE

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0007

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in 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. James Scott Ostlund (Respondent) is an individual who owns and/or operates the Sports Bar Public Water System (the system) in Campbell County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source, and serves a transient population of approximately 40 people per day through one service connection year-round. The system is a "transient non-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 collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample. 40 C.F.R. § 141.21(b). Respondent failed to collect a set of repeat samples after a March 2007 total coliform positive routine sample, and therefore violated this requirement.

4. Respondent is required to collect a set of five routine samples after a total coliform positive sample in the preceding month. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least five routine samples in April 2007, after a total coliform positive routine sample in the previous month, and therefore violated this requirement.

5. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within 10 days after learning of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA total coliform monitoring violations listed in paragraphs 3 and 4 above and therefore violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

6. Upon receipt of this Order, Respondent shall comply with all total coliform repeat sampling requirements. 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat total coliform bacteria samples within 24 hours of being notified of a total coliform positive routine sample. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period. 40 C.F.R. § 141.31(a).

7. Upon receipt of this Order, Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period. 40 C.F.R. § 141.31(a).

8. Upon receipt of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within 10 days of discovery.


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

U. S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, Colorado 80202-2466


GENERAL PROVISIONS

10. 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.

11. 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); 40 C.F.R. part 19.



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



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



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

