



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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FEB 22 2016

Ref: 8ENF-W

CERTIFIED MAIL

Mr. M. Gregory Weisz, Registered Agent
Flying X Ranch Corp.
505 S. 3rd Street, Ste 100
Laramie, Wyoming 82070

Re: Administrative Order Violation letter, PWS ID# 5601104, Docket No. SDWA-08-2013-0043

Dear Mr. Weisz:

On July 8, 2013, the EPA issued an Administrative Order (Order), and on September 23, 2013, the EPA issued an Administrative Order Addendum (Addendum), directing the Flying X Ranch Corp. (Respondent or Flying X Ranch), as owner/operator of the Flying X Ranch Public Water System (System), to comply with various drinking water regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Flying X Ranch is in violation of the Order and associated Addendum. Among other things, the Order and Addendum included the following four requirements (summarized in paragraphs 16, 18, and 19 on page 3 of the Order and in the schedule on page 1 of the Addendum):

1. Respondent shall achieve and maintain compliance with the total coliform maximum contaminant level (MCL) by the final date specified in the approved compliance schedule, or no later than four months after receipt of the EPA's approval of the schedule required by paragraph 12 of the Order, whichever is earliest. Respondent shall meet that deadline even if the plan as submitted does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

Respondent did not maintain compliance with the total coliform MCL following the September 2013 final date in the approved schedule. During the 3rd Quarter 2015, there was a total coliform MCL. It is EPA's understanding that in July 2015 there was a power outage and the chlorinator shut down, and in August 2015 the chlorinator was repaired and back online.

2. Within 24 hours of being notified that a routine total coliform monitoring result is positive for total coliform, Respondent shall conduct source water monitoring as required by 40 C.F.R. § 141.402.

Although Respondent conducted source water monitoring on September 29, 2015, it failed to conduct source water monitoring within 24 hours of being notified that the July 9, 2015, routine total coliform monitoring result was positive for total coliform.

3. Per the September 23, 2013, Addendum, Respondent shall test residual chlorine once per month while serving water to the public and provide the monthly result to the EPA within 10 days following the end of the month, until notified otherwise.

Respondent tested residual chlorine once per month while serving water to the public from June through September 2015, but did not provide results to the EPA within 10 days following the end of each month. Respondent sent a fax to the EPA on January 5, 2016, with monthly residual chlorine results from June 2015 through January 2016, after being reminded by the EPA of the requirement.

4. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different time period.

Respondent did not report the above violations of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring.

The EPA is considering additional enforcement action as a result of the Flying X Ranch's non-compliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If the EPA's information appears incorrect and/or you have any questions, please contact Jill Minter at minter.jill@epa.gov or (303) 312-6084 or (800) 227-8917, extension 6084. If you are represented by an attorney who has questions, please ask your attorney to contact Mia Bearley, Enforcement Attorney, at bearley.mia@epa.gov or (303) 312-6554 or (800) 227-8917, extension 6554, or at the address above (with the mail code 8ENF-L).

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Mr. John Rayne, President, Flying X Ranch Board of Directors
Mr. Ray Parker, Facilities Manager, Flying X Ranch
WY DEQ/DOH (via email)
Ms. Tina Artemis, EPA Regional Hearing Clerk