



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

MAY 13 2013

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Dan Coolidge, Chair
500 S. Gillette Avenue #1100
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act
Enforcement Action against Razor City
Skateland Public Water System
PWS ID WY5601501


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 Michael and Mary Kindt, as owners and/or operators of the Razor City Skateland Public Water System, located in Campbell County, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failure to monitor for nitrate and total coliform and failure to notify the public and the EPA of the violations.

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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MAY 13 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael and Mary Kindt, Owners
Razor City Skateland
P.O. Box 1403
Gillette, WY 82717

Re: Administrative Order
Razor City Skateland Public Water System
Docket No. **SDWA-08-2013-0028**
PWS ID #WY5601501

Dear Mr. and Ms. Kindt:

Enclosed is an Administrative Order (Order) issued by the United States 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 you, as owners and/or operators of the Razor City Skateland Public Water System, have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe 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 you, the EPA will assume this information is correct.

If you comply 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.

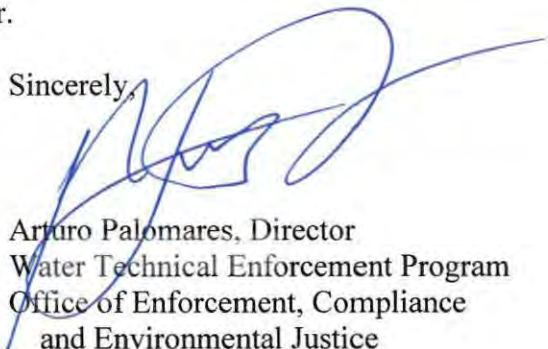
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires you to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please 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. Any questions from your attorney should be directed to Marc Weiner, Enforcement Attorney, who may 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,



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

Enclosures

Order
SBREFA Information Sheet
Public Notice Template

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 MAY 13 PM 3:33

IN THE MATTER OF:)
)
Michael and Mary Kindt,)
)
)
Respondents.)

Docket No. **SDWA-08-2013-0028**

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
HEARING CLERK

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Michael and Mary Kindt (Respondents) are individuals who own and/or operate the Razor City Skateland Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The System's water is treated by an iron removal filter and cartridge. The System is open all year.
4. The System has approximately 2 service connections and/or regularly serves an average of approximately 50 individuals daily for at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
5. Respondents are subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondents are required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the System's water for nitrate during 2012 and 2010, and, therefore, violated this requirement. The System's water was monitored for nitrate in 2011 and 2013.
7. Respondents are required to monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondents failed to monitor the System's water for total coliform bacteria during the 3rd (July-September) quarter of 2011 and the 1st (January-March) quarter of 2010 and 2009 and, therefore, violated this requirement.
8. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraph 6, above, to the EPA and, therefore, violated this requirement.

9. Respondents are required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations cited in paragraph 7, above, to the EPA and, therefore, violated this requirement.

10. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the 2010 violation cited in paragraph 6 and the 2009 violation cited in paragraph 7, above, and, therefore, violated this requirement.

ORDER

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

11. Respondents shall monitor the System's water for nitrate as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents received sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation, as required by 40 C.F.R. § 141.31(b).

12. Respondents shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

13. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraph 6 and the 2009 violation cited in paragraph 7, above, following the instructions provided with the public notice templates provided to Respondents with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to the EPA.


14. Respondents shall send all reporting and notifications required by this Order in writing to:

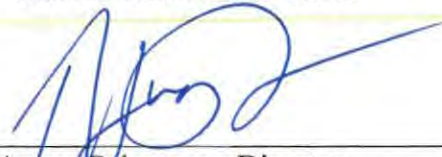
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

15. 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.
16. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents 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.
17. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).
18. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: May 13, 2013.


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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