



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 AUG -5 AM 8:33

FILED
EPA REGION VIII
RECORDING CLERK

AUG 05 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tomi White, President
Kennington Springs Pipeline, Inc.
P.O. Box 1284
Afton, WY 83110

Re: Amended Administrative Order
Kennington Springs Pipeline
Public Water System
Docket No. SDWA-08-2011-0030
PWS ID #WY5601199

Dear Ms. White:

Enclosed is an Amended Administrative Order (Amended Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. This Order amends the March 8, 2011 Order issued by EPA. Among other things, the Amended Order alleges that Kennington Springs Pipeline, Inc. has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Amended Order adds the 2010 failure to monitor for synthetic organic contaminants (SOCs or pesticides / herbicides) violation (under the Violations section, paragraph 9, page 2 of the Order) and requires Kennington Springs Pipeline, Inc. to monitor for SOCs within 30 days of receipt of the Amended Order (see item 19 of the Order section on page 4 of the Order). As in the original Order, this Amended Order requires the system to comply with the total coliform MCL, collect a source water sample within 24 hours of being notified of a total coliform positive sample and notify EPA of violations.

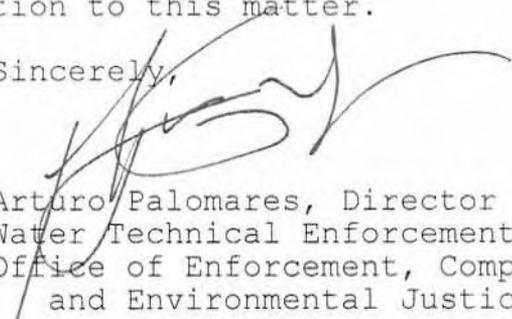
The Amended Order is effective upon the date received. Please review the Amended Order and within 10 days provide EPA with any information you believe EPA may not have. If Kennington Springs Pipeline, Inc. complies with the Order, EPA may close the Amended Order without further action. Failure to comply with the Amended Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from Kennington Springs Pipeline,

Inc.'s attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 68586 or (303) 312-6858.

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

Appendix A: SOC list

Appendix B: SOC list

cc:

WY DEQ/DOH (via email)

Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 AUG -5 AM 8:35

IN THE MATTER OF:)
)
Kennington Springs) Docket No. SDWA-08-2011-0030
Pipeline, Inc.)
)
) AMENDED ADMINISTRATIVE ORDER
Respondent.)

FILED
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REGARDING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials. The original Order was issued to Kennington Springs Pipeline, Inc. on March 8, 2011, and is now amended to add new violations.

2. Kennington Springs Pipeline, Inc. (Respondent) is a nonprofit corporation that owns and/or operates the Kennington Springs Pipeline, Inc. Water System (the system), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one spring.

4. The system has approximately 33 service connections used by year-round residents and/or regularly serves at least 75 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

5. Respondent is 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If two or more samples collected in any month from the system's water are positive for total coliform, then the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of September 2010 and November 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Within 24 hours of being notified that any regular, routine total coliform monitoring sample is total coliform-positive, Respondent is required to collect at least one water sample from each source in use and to submit each source sample for fecal indicator analysis. 40 C.F.R. § 141.402(a) and (c). The system received total coliform-positive results for its routine water samples collected on November 1, 2010 and November 3, 2010, but Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement. The September 2010 total coliform positive results were determined by EPA to be due to a distribution system deficiency rather than a source water deficiency and therefore no source water sample was required for September 2010.

9. Respondent is required to monitor the system's water for 26 synthetic organic contaminants (pesticide/herbicide or SOCs) at least once in every three-year compliance period, including the 2008 - 2010 compliance period. 40 C.F.R. § 141.24(h). (The regulation lists 30 SOCs that are to be monitored; of these 30, EPA has issued state wide monitoring waivers for diquat, endothall, glyphosate, and dioxin.) Respondent collected a water sample on September 27, 2010, but failed to have it analyzed for all required SOCs and, therefore, violated this requirement. Respondent had the sample analyzed for only 10 of the required 26 SOC contaminants.

10. 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 7, above, and, therefore, violated this requirement. Public notice for the violations cited in paragraphs 8 and 9 are not yet overdue.

11. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 and 9, above, to EPA and, therefore, violated this requirement.

ORDER

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

13. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63. If the system's water does not comply with the total coliform MCL, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

14. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

15. The plan and schedule required by paragraph 14, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. Within 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

16. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receiving EPA's approval of the plan and schedule required by paragraph 14 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

17. Respondent shall, within 24 hours of receiving any notification that a regular, routine total coliform monitoring sample is total coliform-positive, collect at least one water sample for

fecal indicator analysis from each source in use, as required by 40 C.F.R. § 141.402(a) and (c). Due to the nature of the spring source, the source water sample shall be collected at the first tap off the collection box. Note: on March 7, 2011, Respondent collected the source water sample that was required under the March 8, 2011 Order.

18. Respondent shall report analytical results for all sampling required by paragraph 17 to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.31. Each such result shall be identified, upon submission to EPA and upon submission to the laboratory analyzing the sample, using the Source Water Sampling collection and reporting form provided as an attachment with this Order. Respondent shall report any failure to conduct sampling required by 40 C.F.R. § 141.402(a) and (c) to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Within 30 days after receiving this Order and per the regulations thereafter, Respondent shall monitor for all 33 contaminants listed in 40 C.F.R. § 141.24(h)(18) except for aldicarb, aldicarb sulfoxide, aldicarb sulfone, diquat, endothall, glyphosate, dioxin, and the contaminants for which Respondent monitored during the 2008-2010 monitoring period. Appendix A includes a list of the remaining contaminants that need to be monitored to meet the requirement of this Order. Subsequently, Respondent will be required to monitor again for the contaminants listed in Appendix B prior to December 31, 2013. Respondent will be required to monitor for synthetic organic contaminants per the regulations thereafter. Respondent shall report 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). Respondent shall report any violation of the SOC monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

20. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA. Note: on April 18, 2011, EPA received the public notice as required by the March 8, 2011 Order.

Kennington Springs Pipeline, Inc.
Page 5 of 5

21. Respondent shall direct all reporting required by this Order to:

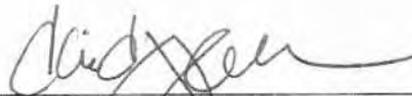
U. S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

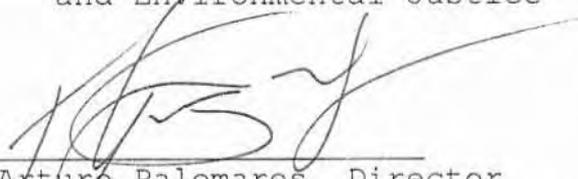
22. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

23. 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.

Issued: _____, 2011.



David Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

Appendix A

Respondent shall monitor for the following SOCs within 30 days after receiving the Administrative Order:

Alachlor
Atrazine
Benzo(a)pyrene (PAHs)
Chlordane
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl)phthalate
Endrin
Lindane (Gamma-BHC)
Heptachlor
Heptachlor epoxide
Hexachlorobenzene
Hexachlorocyclopentadiene (HEX)
Methoxychlor
Simazine
Toxaphene
Polychlorinated Biphenyls (PCBs), Aroclor E525

Appendix B

Respondent must monitor again for these remaining contaminants before December 31, 2013.

Carbofuran
Oxamyl (Vydate)
2,4-D
Dalapon
Dinoseb
Pentachlorophenol
Picloram
2,4,5-TP (Silvex)
1,2-Dibromo-3-Chloropropane (DBCP)
1,2-Dibromoethane (EDB)



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AUG 05 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lincoln County Commissioners
c/o Jerry T. Harmon, Chairman
925 Sage Avenue, Suite 302
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Kennington Springs Pipeline, Inc.
Public Water System
PWS ID #WY5601199

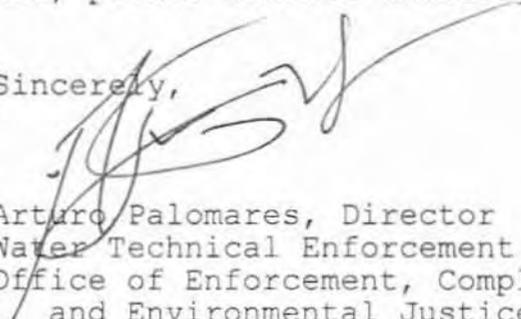
Dear County Commissioners:

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

EPA has issued an Amended Administrative Order (Order) to Kennington Springs Pipeline, Inc., owner of the Kennington Springs Pipeline drinking water system, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: total coliform maximum contaminant level exceedances, failure to collect a source water sample within 24 hours of being notified of a positive total coliform sample, failure to monitor for synthetic organic contaminants, failure to notify the public of these violations and failure to report these violations to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,


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

Enclosure:
Administrative Order