



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2016 SEP 29 PM 1:41

**SEP 29 2016**

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Don Mortensen, Registered Agent  
Seminoe Boat Club  
P.O. Box 182  
Rawlins, Wyoming 82301

Re: Administrative Order issued to the Seminoe Boat Club, PWS ID # WY5600335,  
Docket No.: SDWA-08-2016-0035

Dear Mr. Mortensen:

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 the Seminoe Boat Club (Respondent), as owner and/or operator of the Seminoe Boat Club Resort Public Water System (System), has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

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 public notice provided). If the EPA does not hear from you, the EPA will assume this information is correct.

If the System complies 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.

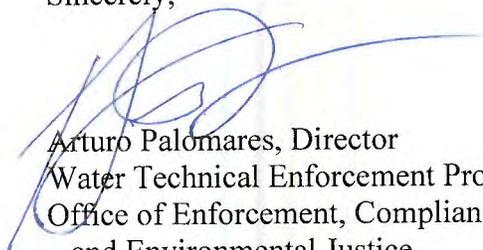
The Order requires the System to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with the EPA, please contact Olive Hofstader at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov) or the above address (with the mailcode 8ENF-W), or by phone at

(800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the System's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at bearley.mia@epa.gov or the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

cc:

Commodore Sean Mortensen, President  
Ms. Christy Paris, operator (via email)  
WY DEQ/DOH (via email)

Melissa Haniewicz, EPA Regional Hearing Clerk



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SEP 29 2016

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Carbon County Commissioners  
c/o Carbon County Clerk  
P.O. Box 6  
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act Enforcement Action against Seminole Boat Club Public Water System, PWS ID # WY5600335 ,Docket No.: SDWA-08-2016-0035

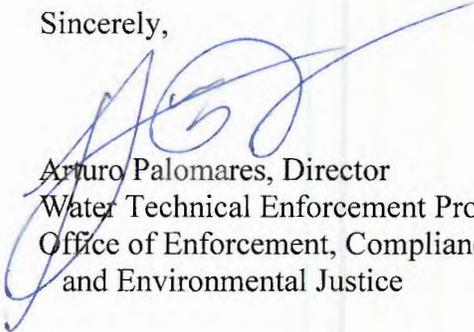
Dear Commissioners:

The Safe Drinking Water Act (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 Seminole Boat Club, which owns and/or operates the Seminole Boat Club Public Water System located in Carbon County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failure to monitor for total coliform bacteria and associated reporting violations.

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 this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,

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

Enclosure:  
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: )  
Seminoe Boat Club, )  
Respondent. )

Docket No. : SDWA-08-2016-0035

**ADMINISTRATIVE ORDER**

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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. The Seminoe Boat Club (Respondent) is a corporation that owns and/or operates the Seminoe Boat Club Public Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 2 wells. The water is disinfected using sodium hypochlorite.
4. The System has 89 service connections and/or regularly serves an average of approximately 50 individuals daily at least 60 days out of the year seasonally from May through October. 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. 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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondent was required to monitor the System’s water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System’s water for total coliform bacteria during the 3<sup>rd</sup> (July through September) and 4<sup>th</sup> (October through December) quarters of 2015, and, therefore, violated this requirement. (Note: The revised total coliform rule became effective on April 1, 2016, resulting in changes to monitoring and reporting requirements.)
8. Respondent is 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). Respondent failed to report the violations cited in paragraph 7, above, to EPA and, therefore, violated this requirement.
9. 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. §§ 141.201-141.211. Respondent failed to notify the public of the 3<sup>rd</sup> quarter 2015 violation cited in paragraph 7, above, 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):

10. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.858. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent 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. § 141.861(a)(4).

11. Within 30 days after receipt of this Order, Respondent shall notify the public of the 3<sup>rd</sup> quarter 2015 violation cited in paragraph 7 above, following the instructions provided with the public notice template enclosed with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with the 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 the EPA.

12. This Order shall be binding on Respondent, its successors and assigns and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

13. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

14. Respondent 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, Colorado 80202-1129  
Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
Fax: (877) 876-9101

**GENERAL PROVISIONS**

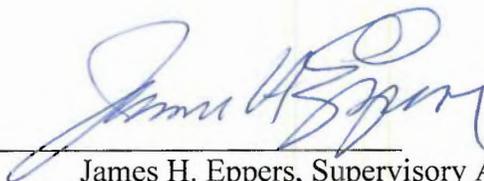
15. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

16. Violation of any part of the this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$53,907 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (July 1, 2016).

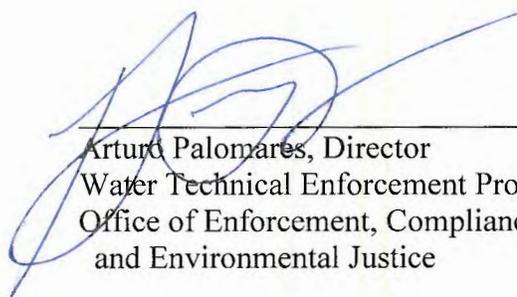
17. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

18. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 29, 2016.



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



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### **Small Business Programs**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### **EPA's Asbestos Small Business Ombudsman**

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### **EPA's Compliance Assistance Homepage**

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### **EPA's Compliance Assistance Centers**

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### **Agriculture**

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### **Automotive Recycling**

[www.ecarcenter.org](http://www.ecarcenter.org)

**Automotive Service and Repair**  
[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### **Chemical Manufacturing**

[www.chemalliance.org](http://www.chemalliance.org)

### **Construction**

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### **Education**

[www.campuserc.org](http://www.campuserc.org)

### **Food Processing**

[www.fpeac.org](http://www.fpeac.org)

### **Healthcare**

[www.hercenter.org](http://www.hercenter.org)

### **Local Government**

[www.lgean.org](http://www.lgean.org)

### **Metal Finishing**

[www.nmfrc.org](http://www.nmfrc.org)

### **Paints and Coatings**

[www.paintcenter.org](http://www.paintcenter.org)

### **Printing**

[www.pneac.org](http://www.pneac.org)

### **Ports**

[www.portcompliance.org](http://www.portcompliance.org)

### **Transportation**

[www.tercenter.org](http://www.tercenter.org)

### **U.S. Border Compliance and Import/Export Issues**

[www.bordercenter.org](http://www.bordercenter.org)

### **EPA Hotlines, Helplines and Clearinghouses**

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### **Clean Air Technology Center (CATC) Info-line**

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### **Superfund, TRI, EPCRA, RMP and Oil Information Center**

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### **EPA Imported Vehicles and Engines Public Helpline**

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### **National Pesticide Information Center**

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### **National Response Center**

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### **Pollution Prevention Information Clearinghouse (PPIC) -**

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### **Safe Drinking Water Hotline -**

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tscs-hotline@epa.gov](mailto:tscs-hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*

## Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your state may have more stringent requirements. Check with your state to make sure you meet its requirements.

Noncommunity water systems must use one of the following methods [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)].

You must post the notice until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, you should print your notice on your system's letterhead, if available.

The template on the reverse is appropriate for use as an annual notice combining notification for several violations, as well as for notices for individual violations. This template presents violations in a table; however, you may write out an explanation for each violation if you wish.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required PN elements and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

### Corrective Actions

In your notice describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own text:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Be sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

**DRINKING WATER NOTICE**  
**Monitoring Requirements Not Met for**  
**Seminole Boat Club**

We violated a drinking water requirement. Even though this is not an emergency, as our customers, you have the right to know what happened and what we are doing to correct this situation.

*\*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2014 we did not complete all monitoring for total coliform and e.coli, and therefore cannot be sure of the quality of our drinking water during that time.\**

**What This Means**

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample (frequency) and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<b>Contaminant</b>	<b>Required sampling frequency</b>	<b>Number of samples taken</b>	<b>When samples should have been taken</b>	<b>When samples were (or will be) taken</b>
Coliform	2 <sup>nd</sup> (April-June) 3 <sup>rd</sup> quarter (July-Sept) and 4 <sup>th</sup> quarter (Oct-Dec) each year	0	(list quarters missed samples here)	(list dates next samples were taken after missed quarters)

**Steps We Are Taking**

[Describe corrective action.]

For more information, please contact [name of contact] of Seminole Boat Club at [phone number] or [location/address].

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by [system]. State Water System ID#: \_WY5600335\_.

Date distributed: \_\_\_\_\_.