



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

11:58 am

April 27, 2021

Received by  
EPA Region VIII  
Hearing Clerk

April 27, 2021

Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL READ RECEIPT REQUESTED

Mr. Bob Kirkwood, Registered Agent  
Broken Wrench, LLC  
[bobk@kirkwoodcompanies.com](mailto:bobk@kirkwoodcompanies.com)

Re: Administrative Order issued to Broken Wrench LLC regarding Broken Wrench Public Water System, PWS ID #WY5600074, Docket No. SDWA-08-2021-0021

Dear Mr. Kirkwood:

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 Broken Wrench LLC (Company), as owner and of the Broken Wrench Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141).

The Order is effective upon the date received. If the Company complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$59,017 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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 entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If the Broken Wrench Public Water System has specific COVID-19 issues that would affect the timeframes listed herein or if you have any questions regarding this Order please contact Christina Carballal via email at [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov) or by phone at (800) 227-8917, extension 6046, or (303) 312-6046 within 7 business days of receiving this Order. The EPA may, in its discretion, consider granting an extension. Any questions from the System's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554 or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

**COLLEEN  
RATHBONE**

Digitally signed by  
COLLEEN RATHBONE  
Date: 2021.04.27 11:57:57  
-06'00'

Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)  
Natrona County Commissioners (bkaufman@natronacounty-wy.gov)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Richard Blajszczak, Operator (BWwater@charter.net)

April 27, 2021

Received by  
EPA Region VIII  
Hearing ClerkUNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: )

Broken Wrench, LLC )

Respondent )

Broken Wrench Public Water System )

PWS ID #WY5600074 )

Docket No. SDWA-08-2021-0021

**ADMINISTRATIVE ORDER**

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 official.
2. Broken Wrench, LLC (Respondent) is a Wyoming corporation that owns and/or operates the Broken Wrench Public Water System (System), which provides piped water to the public in Natrona County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via 2 wells. The water is treated by using sodium hypochlorite added at each well.
4. The System has approximately 16 service connections used by 30 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 section 1401 of the Act, 42 U.S.C. § 300f.
4. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).
5. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

6. Respondent is required to monitor the System’s water for certain radionuclides once every six years. 40 C.F.R. § 141.26(a)(3). Respondent is required to report results to EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a). Respondent monitored the System’s water for radionuclides during the January 1 to December 31, 2020 monitoring period but did not report the results to the EPA within the 10 calendar days after the end of the required monitoring period and therefore, violated this requirement.
7. Respondent is required to monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment at least once in every three-year compliance period. 40 C.F.R. § 141.24(h)(4)(iii). Respondent failed to monitor the System’s water for SOC during January 1, 2017 and December 31, 2019 and therefore, violated this requirement.

8. Respondent is required to monitor the System's water at least every three years for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(6???). Respondent failed to monitor the System's water for VOCs during January 1, 2017 and December 31, 2019, and therefore, violated this requirement.
9. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment during every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for IOCs during January 1, 2017 and December 31, 2019, and therefore, violated this requirement.
10. Respondent is required to monitor the System's water annually for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during 2019 and therefore, violated this requirement. Nitrate samples were collected on February 26, 2020 and on November 30, 2020.
11. Respondent is required to certify to the EPA that an annual Consumer Confidence Report (CCR) has been distributed to the System's customers, and that the information is correct and consistent with compliance monitoring data previously submitted to the EPA. The certification is due within three months of distributing the CCR. 40 C.F.R. § 141.155. Respondent failed to provide CCR certification for calendar year 2017 by October 1, 2018. Therefore, Respondent violated this requirement. The 2017 CCR certification for 2017 was later received on February 11, 2019.
12. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 7, 8, 9 and 10 above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 7, 8, 9 and 10 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. this requirement. The deadline for public notice of the violations cited in paragraph 6 for the January 1 to December 31, 2020 has not yet passed.
13. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 6, 7, 8, 9 and 10 above, to the EPA and therefore, violated this requirement.

**ORDER**

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

14. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
15. Respondent shall report sample results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
16. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for SOCs in accordance with 40 C.F.R. § 141.24(h)(4). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
17. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for VOCs, in accordance with 40 C.F.R. § 141.24(f)(5). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
18. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
19. Respondent shall monitor the System's water annually for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and (d). A sample must be collected between January 1 and December 2021. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
20. For each calendar year, Respondent shall prepare and distribute a CCR by July 1<sup>st</sup> of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.
21. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.
22. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 8, 9 and 10 above. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the

notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

23. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent shall notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at:

<https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

24. 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, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.

25. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov)

### **GENERAL PROVISIONS**

26. 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.

27. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

28. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$59,017 (as adjusted for inflation) [changes annually, please check] per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 83821 (December 23, 2020).


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

Issued: April 27, 2021.

**COLLEEN  
RATHBONE**

Colleen Rathbone, Chief  
Water Enforcement Branch

Enforcement and Compliance Assurance Division

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