



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

JUN 16 2014

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David and Linda Capps
Lemaster Enterprises
4415 Wilson Way
Gillette, WY 82718

Frank Coy, Registered Agent
Weston Engineering, Inc.
1401 E. Hwy 16
Upton, WY 82730

Re: Administrative Order Regarding Lemaster Enterprises, PWS ID#5601518,
Docket No. **SDWA-08-2014-0016**

Dear Mr. and Mrs. Capps and Mr. Coy:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 owner and/or operator of the Lemaster Enterprise public water system (System), have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The Order issued to Linda Capps on April 24, 2012, will remain in full force and effect until the \$2,000 assessed penalty for violations of that Order is paid.

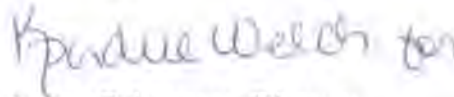
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). 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.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at brainich.kathelene@epa.gov, or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), via email at 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,



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

Enclosures

Order
SBREFA

cc: Jerry Hunt, Weston Engr. (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917
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Ref: 8ENF-W

JUN 16 2014

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Mark Christensen, Chair
500 S. Gillette Avenue, Suite 1100
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act Enforcement Action against Lemaster Enterprises
PWS ID#5601518

Dear Commissioners:

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

An Administrative Order is being issued to David and Linda Capps and Weston Engineering, Inc., as owners and/or operators of Lemaster Enterprises. This Order requires that Mr. and Mrs. Capps and Weston Engineering take measures to return the Lemaster Enterprises public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for nitrate, radionuclides, inorganic contaminants, volatile organic contaminants, and fecal indicators; failure to complete and deliver a consumer confidence report; and failure to notify 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,

A handwritten signature in blue ink that reads "Arturo Palomares" followed by a stylized initial or mark.

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

Enclosure



Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 JUN 16 AM 8:25

IN THE MATTER OF:)
)
Linda and David Capps and)
Weston Engineering, Inc.,)
)
Respondents.)

Docket No. SDWA-08-2014-0016

EPA REGION VIII
ADMINISTRATIVE ORDER

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 officials.
2. Linda Capps (Respondent), as Trustee of the Springler Family Trust and Leo Springler Revocable Trust, and David Capps (Respondent) are individuals and Weston Engineering, Inc. (Respondent) is a Wyoming corporation that own and/or operate the Lemaster Enterprises Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption. Ms. Capps, Mr. Capps and Weston Engineering, Inc., are collectively referred to as "Respondents" in this Order.
3. The System is supplied by a groundwater source consisting of two wells. The System's water is continuously chlorinated.
4. The System has approximately 27 service connections used by year-round residents and/or regularly serves an average of approximately 70 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.
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 2013, and therefore, violated this requirement.
7. Respondents are required to monitor the System's water for certain radionuclides once every six years. 40 C.F.R. § 141.26(a). Respondents failed to monitor the System's water for radionuclides during the 2008-2013 compliance period, and therefore, violated this requirement.
8. Respondents are required to monitor the System's water for volatile organic contaminants once every three years. 40 C.F.R. § 141.24(f)(6). Respondents failed to monitor the System's

water for volatile organic contaminants during the 2011-2013 compliance period, and therefore, violated this requirement.

9. Respondents are required to monitor the System's water for certain inorganic contaminants once every three years. 40 C.F.R. § 141.23(a) and (c). Respondents failed to monitor the System's water for inorganic contaminants during the 2011-2013 compliance period, and therefore, violated this requirement.

10. Respondents are required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondents must sample each ground water source and have it analyzed for a fecal indicator (i.e. *E. coli*). 40 C.F.R. § 141.402. After a total coliform routine sample collected April 18, 2012, tested positive for total coliform, Respondents failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402. A source sample was subsequently collected on May 16, 2012.

11. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to the EPA that he/she has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondents failed to prepare and deliver an annual CCR to the System's customers and to the EPA by July 1, 2013. Respondents also failed to provide a certification to the EPA. Therefore, Respondents violated these requirements.

12. 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 paragraphs 6 through 11, above, to the EPA, 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):

13. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondents shall monitor the System's water for nitrate. 40 C.F.R. § 141.23.

14. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondents shall monitor the System's water for radionuclides. 40 C.F.R. § 141.26(a).

15. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondents shall monitor the System's water for volatile organic contaminants. 40 C.F.R. § 141.24(f)(6).

16. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondents shall monitor the System's water for inorganic contaminants. 40 C.F.R. § 141.23(a) and (c).

17. Within 24 hours of being notified that a routine total coliform monitoring result is positive, Respondents shall conduct source water monitoring as required by 40 C.F.R. § 141.402. If the sample is negative, Respondents shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondents shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondents shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.

18. Within 30 days after receipt of this Order, Respondents shall prepare a CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System covering the calendar year 2012 and distribute the report to the System's customers and the EPA. No later than one month thereafter, Respondents shall certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondents shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

19. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondents shall report each monitoring result to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

20. Respondents 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, Respondents shall report within that different period.

21. This Order shall be binding on Respondents, his or her assigns and heirs, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.

22. If Respondents (a) lease or sell the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondents 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, Respondents 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. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hire another person or entity to operate the System.

23. Respondents 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

24. 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.

25. 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.

26. Respondents 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).

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

Issued: June 16, 2014.



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, including workshops, training sessions, hotlines, websites and guides, 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.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to 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

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/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

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

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

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

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

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

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

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.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

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

www.epa.gov/compliance/incentives/smallbusiness/index.html

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

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

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), or go to their website at www.sba.gov/ombudsman.

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.