



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

JUL 11 2012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Crook County Commissioners  
Jim W. Hadley, Chair  
P.O. Box 37  
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Owner/Operator of Devils Tower View  
PWS ID #WY5601516

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 Larry Cage, Linda Cage, Billy Cage and Patricia Cage requiring they take measures to return the Devils Tower View public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform, failure to monitor the ground water source following a total coliform positive sample, failure to issue a public notice and failure to report the violations to the EPA.

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 Jill Minter at (303) 312-6084.

Sincerely,

*Kimberly Poindrel Welch*  
for Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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JUL 11 2012

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry Cage, Owner and/or Operator  
Linda Cage, Owner and/or Operator  
Billy Cage, Owner and/or Operator  
Patricia Cage, Owner and/or Operator  
Devils Tower View  
476 Highway 24  
Devils Tower, WY 82714

Re: Administrative Order  
Devils Tower View Public Water System  
Docket No. **SDWA-08-2012-0038**  
PWS ID #5601516

Dear Messrs. and Mmes. Cage:

Enclosed is an Administrative Order (Order) issued by the 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 Devils Tower View, have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (drinking water regulations).

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.

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.

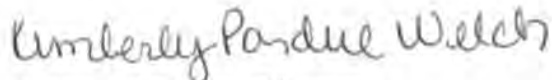
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

You are required to provide notice to the public of having violated monitoring requirements within one year of the violation. Enclosed please find a public notice template explaining the public notice requirements in more detail. Submit a copy of the completed notice, with the method and date of completing the notice, along with your signature to the EPA.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084 or (303) 312-6084. Any questions from your attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



*for* 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

2012 JUL 11 AM 8:30

IN THE MATTER OF: )

Larry Cage, )  
Linda Cage, )  
Billy Cage and )  
Patricia Cage, )

Respondents. )

Docket No. **SDWA-08-2012-0038**

FILED  
EPA REGION VIII  
PAPERWORK REDUCTION

**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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Larry Cage, Linda Cage, Billy Cage and Patricia Cage (Respondents) are individuals who own and/or operate the Devils Tower View Water System (the System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. Treatment includes cartridge filtration and water softening. The System is operated seasonally from June through September.
4. The System has one service connection and regularly serves an average of approximately 40 individuals daily 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).
6. The drinking water regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondents are required to monitor the System's water during the second quarter (April-June) and third quarter (July-September) 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 third quarter (July-September) of 2008 and, therefore, violated this requirement.

8. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondents are required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondents failed to take 4 repeat samples of the System's water within 24 hours of being notified on September 12, 2011, of a result that was positive for total coliform and, therefore, violated this requirement.

9. Respondents are required to conduct triggered source water 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. 40 C.F.R. § 141.402. Respondents were notified on September 12, 2011, that a routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondents failed to collect any ground water source samples within 24 hours and, therefore, violated 40 C.F.R. § 141.402.

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 violations cited in paragraph 7, above, and, therefore, violated this requirement. Public notice for the monitoring violations cited in paragraphs 8 and 9, above, are required to be issued within 12 months of the violations and are not yet overdue.

11. 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 paragraphs 7 and 8, above, to the EPA and, therefore, violated this requirement.

12. Respondents are required to report any failure to comply with any drinking water regulation to the EPA within 48 hours of the violation occurring (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 9 and 10, 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. Respondents shall monitor the System's water quarterly during the second quarter (April-June) and third quarter (July-September) 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).

14. Within 48 hours after receipt of this Order, Respondents shall collect at least one water sample from its ground water source for fecal indicator analysis (*E. coli*). 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, Respondents shall specify that it is a triggered source water sample.

15. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7, 8 and 9, above, following the instructions provided with the public notice template 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.

16. Respondents shall direct all reporting required by this Order to:

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





**GENERAL PROVISIONS**

17. 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 EPA to forgo any civil or criminal action.

18. 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.

Issued: July 11, 2012.

Matthew H. Cohn

Matthew Cohn, Director

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

Arturo Palomares

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



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for Devils Tower View (Public Water System Name)

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. During the 3<sup>rd</sup> Quarter of 2008 we did not monitor for total coliform, and during September 2011 we failed to collect 4 repeat samples following a positive routine total coliform sample. We also failed to monitor our source water within 24 hours of being notified of a positive total coliform sample in September 2011, and, therefore, cannot be sure of the quality of your drinking water during that time.

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the compliance period, how often we are supposed to sample 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 taken.

Contaminant	Required sampling frequency	When samples should have been taken	When samples were taken
Total coliform	1 routine sample per quarter	Between July 1 and Sept. 31, 2008 (3 <sup>rd</sup> Quarter)	October, 30, 2008 (4 <sup>th</sup> Quarter)
Total coliform	4 repeat samples within 24 hours of a total coliform positive routine sample	September 2011	5 additional routine samples, November 2011
Total coliform	1 triggered ground water source sample within 24 hours of total coliform positive routine sample	September 2011	

#### What happened? What is being done?

(describe corrective action.)

For more information, please contact Patricia Cage at (307) 467-5737  
(name of contact) (phone number)

or 476 Highway 24, Devils Tower, WY 82714. Please share this information  
(mailing address)

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 hands or mail.

This notice is being sent to you by Devils Tower View. Public Water System ID#: WY56015916.  
(system)

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