



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2011 MAR -8 AM 11: 05

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

MAR 08 2011

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
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 Administrative Order to Kennington Springs Pipeline, Inc., 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 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,

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 MAR -8 AM 11:05

IN THE MATTER OF:)
)
Kennington Springs Pipeline, Inc.)
)
Respondent.)

Docket No. SDWA-08-2011-0030

FILED
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ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.

2. The 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 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 2010 failure to take a ground water source sample cited in paragraph 8 is not yet overdue.

10. 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.

11. 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 violation listed in paragraph 8, 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):

12. 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).

13. 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.

14. The plan and schedule required by paragraph 13, 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.

15. 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 13 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.

16. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. Due to the nature of the spring source, the source water sample shall be collected at the first tap off the collection box.

17. After the initial sampling required by paragraph 16, 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).

18. Respondent shall report analytical results for all sampling required by paragraphs 16 and 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, 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.

20. 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

21. 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.

22. 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: March 8, 2011.



Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice