



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

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EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

APR 14 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glenna Madden, Registered Agent
Grandma's Inn, Inc.
4577 U.S. Highway 26 85
Torrington, WY 82240

Re: Violation of Administrative Order
Docket No. SDWA-08-2010-0012
PWS ID # WY5600416

Dear Ms. Madden:

On January 14, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0012, ordering Grandma's Inn, Inc., as owner of the Grandma's Inn public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that Grandma's Inn, Inc. (Respondent) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (cited in paragraphs 12 and 15 on page 2 of the Order:

1. Within 60 days of receipt of this Order, Respondent shall complete installation of continuous disinfection equipment for the system and shall ensure its proper operation. Respondent shall also submit to EPA within 60 days a list of all actions that have been completed to address recommendations in EPA's August 20, 2009, letter. Please note that separate permit approval will be required by the Wyoming Department of Environmental Quality before modifications can be made to the system.

Respondent failed to complete installation of continuous disinfection equipment within 60 days of receiving the Order and has yet to submit a list

of all actions completed in response to recommendations in EPA's letter of August 20, 2009.

2. Within 30 days, Respondent shall notify the public of the August 2009 violation following the instructions provided with the public notice templates provided to the Respondent. Respondent shall submit a copy of the completed public notice to EPA.

Respondent failed to notify the public of the August 2009 total coliform maximum contaminant level violation and failed to submit a copy of the completed public notice to EPA within the 30 days mandated by the Order.

Within two weeks, please post the public notice mentioned above and send a copy to EPA, and submit the list of actions taken pertaining to EPA's letter of August 20, 2009. Please also take prompt steps to install disinfection equipment. In regard to this latter requirement, we note that in his letter of January 28, 2010, Doug Chamberlain of Grandma's Inn, Inc., reported that Grandma's Inn, Inc. planned to install a continuous disinfection system as required in the Order. Further, on April 1, 2010, Mr. Chamberlain reported to Mario Mérida of my staff that Grandma's Inn, Inc. has obtained the services of a local water system engineering firm to oversee installation of continuous disinfection and was planning to meet with the Wyoming Department of Environmental Quality the week of April 5, 2010 to begin addressing related permitting requirements. We urge Grandma's Inn, Inc. to move expeditiously in these efforts.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

Separate to the above Violation of Administrative Order notice, we would like to briefly address Mr. Chamberlain's letter of January 28, 2010 to Darcy O'Connor, Acting Director of EPA's Water Technical Enforcement Program.

In that letter, Mr. Chamberlain summarizes circumstances surrounding the violations cited in the Administrative Order of January 14, 2010, and discusses technical assistance visits to Grandma's Inn undertaken at EPA's request by staff of the Midwest Assistance Program and by Mr. Mike Sposit, a Senior Environmental Employee for EPA. While Mr. Sposit discussed various continuous disinfection options, including aspects of both chlorine and ultraviolet disinfection, we would note that this information was offered on

an informational basis only, and Grandma's Inn, Inc. may opt for whatever continuous disinfection system best suits its needs.

Finally, Mr. Chamberlain also raises in his letter some specific concerns, addressed here in the order originally presented:

1. *"Why was an order issued because of an allegation?"* We assume that this question arises from the cover letter attached to the Administrative Order, which indicates that "Among other things, the Order *alleges* [emphasis added] that Grandma's Inn, inc. has violated the National Primary Drinking Water Regulations. . ." In the context of this enforcement action, this text is meant to communicate that the violations listed (in paragraphs 7 – 10 of the Order) are presented as evidence in the enforcement process at hand, and in no way is it meant to suggest doubt as to the validity of the violations cited. We would note, for instance, that in his letter Mr. Chamberlain did not dispute the fact of the July 2009 and August 2009 total coliform MCL violations incurred by Grandma's Inn.

2. *"Why were the Goshen County Commissioners notified. . . ?"* Per the Safe Drinking Water Act (SDWA) guiding the National Primary Drinking Water Regulations, the EPA is required to notify locally elected officials, such as County Commissioners, of certain enforcement actions including Administrative Orders in a state such as Wyoming that does not have primary implementation authority for the SDWA. This process is included in the Safe Drinking Water Act in an effort to keep local government informed of EPA's enforcement activities.

3. *"Who is responsible monetarily for false allegations made to the [county commissioners] that could have a negative effect on the business operations of Grandma's Inn. . . ?"* As we discuss above, EPA does not consider the fact of the violations in the Order to be in dispute. Further, as we specify in our letter to the Commissioners, no action by the Commissioners is required by EPA.

If you have any questions regarding the above Violation of Administrative Order notice or information in this letter, or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If Grandma's Inn, Inc. is represented by an attorney who has questions, that attorney may contact David Janik, Enforcement Attorney, at 1-800-227-8917, extension 6917 or (303) 312-6917 or at the following address:

David Janik
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ and DOH (via e-mail)
Doug Chamberlain, Special Projects Coordinator, Grandma's Inn, Inc.