



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUL 7 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Boyd Potts, Owner/Operator
B & K Mobile Home Park
1315 S. Federal Blvd. #55
Riverton, WY 82501

Re: Administrative Order
B & K Mobile Home Park Water System
Docket No. **SDWA-08-2010-0059**

Dear Mr. Potts:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that you have violated the National Primary Drinking Water Regulations (drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the Order, 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.

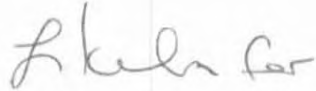
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

To submit information or request an informal conference with EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should

be directed to Amy Swanson, Enforcement Attorney, who may be reached at the letterhead address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darcy O'Connor".

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

Enclosures:

Order
SBREFA Information Sheet

cc: Chairman Ivan Posey, Eastern Shoshone Tribe
Chairman Harvey Spoonhunter, Northern Arapahoe Tribe
Don Aragon, Environmental Director, Wind River Environmental Quality Commission
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Boyd Potts,)
)
)
)
Respondent.)

2010 JUL -7 AM 8:09
Docket No. SDWA-08-2010-0059
FILED
EPA REGION VIII
HEARING CLERK
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. Boyd Potts (Respondent) is an individual who owns and/or operates the B & K Mobile Home Park Water System (the system), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The system is supplied by one well and the system's water is untreated.
4. The system has approximately 52 service connections used by year-round residents and/or regularly serves an average of approximately 300 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 since Respondent gained ownership of the system in 2006.

VIOLATIONS

7. Respondent is required to monitor the system's water for lead and copper. 40 C.F.R. § 141.86(d). Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent collected only one of the five required samples during the 2008 triennial monitoring period and, therefore, violated this requirement.
8. After failing to adequately monitor the system's water for lead and copper in 2008, Respondent was required to monitor the system's water for lead and copper between June 1 and September 30, 2009. 40 C.F.R. § 141.86(d). Respondent failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement.
9. Respondent is required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2). Respondent failed to monitor total coliform bacteria during July and December 2009; and August and October 2006, and, therefore, violated this requirement.

10. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA of having done so. Among other things, it is required that the CCR note any monitoring and reporting violations that occurred during the year covered by the report. 40 C.F.R. §§ 141.153 and 154. Respondent failed to include the 2006 failure to monitor total coliform bacteria violations listed in paragraph 9 above in the 2006 CCR and, therefore, violated this requirement.

11. 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 2006 violations listed in paragraph 9 above, and, therefore, violated this requirement.

12. Respondent is required to report any violation of any drinking water regulation to EPA within 48 hours, except where the drinking water regulations specify a different time period. 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8, 10 and 11 above to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 9 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):

14. No later than September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA, collecting five samples per sampling event, in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

15. Respondent shall monitor the system's water for total coliform bacteria monthly, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

16. Respondent shall prepare and deliver an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) to the system's customers by July 1 of each year and certify to EPA of having done so by October 1. The 2009 CCR must include the 2009 violations listed in paragraphs 8 and 9 above. Respondent shall report any violation of CCR requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

17. Within 30 days of receiving this Order, Respondent shall notify the public of the August and October 2006 failure to monitor total coliform bacteria violations cited in paragraph 9, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA. For community water systems, the CCR may be used as the public notice for violations that occurred during the previous twelve months.

18. Respondent 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

19. 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.

20. 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: July 7, 2010

David Rochlin

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

Darcy O'Connor

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