



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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OCT 21 2009

CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED

Mr. Fred Nelson, Registered Agent  
The Kinnear Store, Inc.  
P.O. Box 372, 11519 Hwy 26  
Kinnear, WY 82516

Re: 2<sup>nd</sup> Violation of  
Administrative Order  
Docket No. SDWA-08-2007-0006  
The Kinnear Store  
Public Water System  
PWS ID # WY5601577

Dear Mr. Nelson:

On November 8, 2006, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0006, ordering The Kinnear Store, Inc. (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f *et seq.* On June 27, 2007, EPA notified you of violations of the Administrative Order (Order), including failure to monitor for total coliform bacteria during the 1<sup>st</sup> quarter of 2007. On March 9, 2009, EPA issued a Complaint and Notice of Opportunity for Hearing, Docket No. SDWA-08-2009-0040, for failure to monitor total coliform bacteria during the 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> quarters of 2007, and the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2008. This matter is still pending.

Our records indicate that The Kinnear Store, Inc. continues to be in violation of the Order. Among other things, the Order included the following requirements (quoted from items 1 and 2 of the Order section on page 3 of the Order):

1. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the maximum contaminant levels (MCL) as stated in 40 C.F.R. § 141.63(a)(2).

Respondent shall report analytical results to EPA within the first 10 days of the end on the monitoring period, as required by 40 C.F.R. § 141.31(a).

Respondent has not submitted total coliform bacteria monitoring results for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2009.

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R § 141.21 to EPA within ten days after the system discovers the violation.

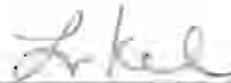
Respondent failed to report to EPA the noncompliance detailed in part 1 above.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. 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.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston  
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.



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

cc: WY DEQ (via e-mail)  
WY DOH (via e-mail)  
Don Aragon, Director, Wind River Environmental Quality Commission  
Ivan Posey, Chairman, Shoshone Business Council  
Harvey Spoonhunter, Chairman, Arapaho Business Council  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)