



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

MAY 10 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o Wally J. Johnson, Chair
80 W. Flaming Gorge Way, Suite 109
Green River, WY 82935

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Owners/Operators of Eden Saloon
PWS ID#5600111

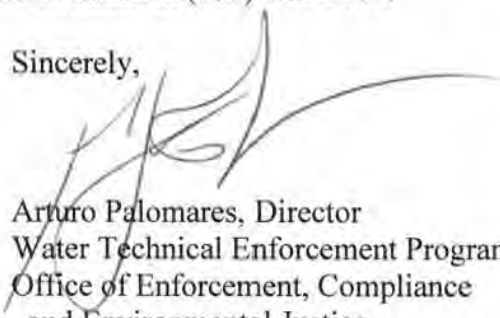
Dear Commissioners:

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 Eden Saloon, Inc. This Order requires that Eden Saloon, Inc., take measures to return the Eden Saloon public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding of the maximum contaminant level for total coliform bacteria; failure to monitor for total coliform, source water after a total coliform positive sample, and nitrate; failure to develop and submit an emergency response plan; and failure to notify the public and the EPA of the violations.

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 Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure



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MAY 10 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cindy F. Buckendorf, Registered Agent
Eden Saloon, Inc.
3629 N. US Hwy 191
Eden, WY 82932

Re: Administrative Order
Eden Saloon Water System
Docket No. **SDWA-08-2012-0023**
PWS ID #5600111

Dear Ms. Buckendorf:

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 Eden Saloon, Inc., as owner and/or operator of the Eden Saloon water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the 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 Eden Saloon, Inc., complies 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.

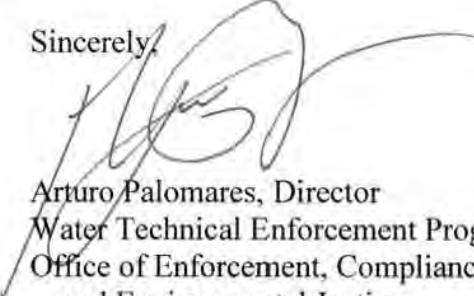
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

To submit information or to request an informal conference with the 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 Eden Saloon, Inc.'s 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,

A handwritten signature in black ink, appearing to read 'AP', is written over the typed name and title.

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

Enclosures:

Order
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 MAY 10 AM 9:10

IN THE MATTER OF:)
)
Eden Saloon, Inc.,)
)
Respondent.)

Docket No. **SDWA-08-2012-0023**

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. Eden Saloon, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Eden Saloon Water System (the System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of two wells. The water is not treated.
4. The System has approximately 21 service connections and regularly serves an average of approximately 25 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. 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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. 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 January and February 2010 and November and December 2011 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.
7. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of four repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take four repeat samples of the System's water within 24 hours of being notified in January 2012 of a result that was positive for total coliform and, therefore, violated this requirement.
8. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System

provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform in January 2011 and January 2012, Respondent failed to take at least five routine samples of the System's water in February 2011 and February 2012, and, therefore, violated this requirement. Four of the five required routine samples were taken in February 2011 and no routine samples were taken in February 2012.

9. Respondent is required to conduct triggered source 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, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent failed to collect any ground water source samples within 24 hours after routine samples collected on January 3, 2011, November 7, 2011, and January 9, 2012 were analyzed as positive for total coliform and, therefore, violated 40 C.F.R. § 141.402.

10. Respondent is required to consult with EPA regarding the appropriate corrective action within 30 days of receiving written notice from EPA of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondent is required to complete corrective action of a significant deficiency in compliance with an approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondent failed to consult with EPA by August 12, 2011 regarding corrective action of a significant deficiency and failed to complete the corrective action by November 12, 2011 after receiving written notice on July 12, 2011 of a significant deficiency and, therefore, violated this requirement.

11. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2009 and, therefore, violated this requirement. Respondent monitored for nitrate on January 14, 2010.

12. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the January 2010 and both of the 2011 violations cited in paragraph 6, and the pre-April 2011 violations cited in paragraphs 8, 9, and 11, above, and, therefore, violated this requirement. Public notice for violations occurring April 2011 and later are not overdue.

13. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the November and December 2011 and January 2010 MCL violations cited in paragraph 6, above, and, therefore, violated this requirement.

14. Respondent is 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). Respondent failed to report the violations cited in paragraphs 7 and 8, above, to EPA and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any Drinking Water Regulation to the 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 9 through 12, above, to the 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):

16. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the 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 modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. This plan may include, for instance, installation of continuous disinfection or other appropriate measures for attaining and maintaining compliance. The proposed schedule shall include specific milestone dates and the final compliance date shall be within three months from the date of the EPA's approval of the plan and schedule. The plan and schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondent's plans and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

17. The plan and schedule required by paragraph 16, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

18. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 16, above, Respondent shall notify the EPA of the project's completion.

19. 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 receipt of the EPA's approval of the plan and schedule required by paragraph 16 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, the EPA may order further steps and/or seek penalties for noncompliance.

20. If any total coliform routine sample for the System is positive for total coliform, Respondent shall collect a set of four repeat samples within 24 hours of being notified of the positive result and collect at least five routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21.

21. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. If the sample is negative, Respondent 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, Respondent 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, Respondent 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, Respondent shall specify that it is a triggered source water sample.

22. Within 10 days after receipt of this Order, Respondent shall submit to EPA a copy of an Emergency Response Plan for the System that outlines what action will be taken by whom during an emergency situation. Guidance for preparation of an Emergency Response Plan is available at: www.epa.gov/region8/waterops/reporting/forms.html#erp. Following receipt of any future written notification from EPA of a significant deficiency, Respondent shall consult with EPA regarding the appropriate corrective action within 30 days, complete corrective action or be on an approved corrective action plan within 120 days, and shall provide EPA within 30 days after completion of the corrective actions photographic or other evidence of completion, as required by 40 C.F.R. §§ 141.405(a)(2) and 141.403 (a).

23. Respondent shall monitor the System's water for nitrate as required by the Drinking Water Regulations. 40 C.F.R. § 141.23.

24. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 6 through 11, above (with the exception of the February 2010 total coliform MCL violation as public notice has been completed). 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 the EPA.

25. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

26. Respondent 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).

27. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

28. Respondent shall direct all reporting required by this Order to:

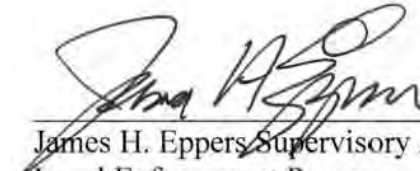
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

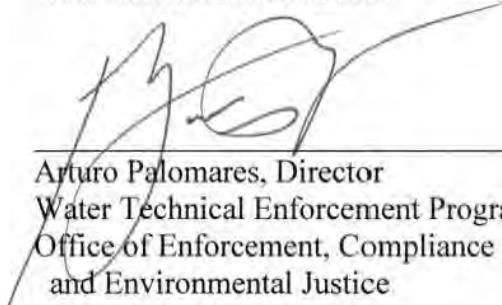
GENERAL PROVISIONS

29. 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 the EPA to forgo any civil or criminal action.

30. 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: May 10, 2012


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


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