



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

MAY 20 2010

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Jeff Ketcham, Chair  
POB 608  
Cheyenne, WY 81001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Little Bear Inn  
PWS ID# 5600740

Dear 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 (Order) to David Bertrand as the owner/operator of the Little Bear Inn in Cheyenne, Wyoming, directing him to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include exceeding the maximum contaminant level for total coliform and failing 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 Kathelene Brainich at (303) 312-6481.

Sincerely,

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

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

Enclosure (Order)



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MAY 20 2010

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David Bertrand  
1628 Star Fire Court  
Cheyenne, WY 82009

Re: Administrative Order  
David Bertrand  
Little Bear Inn Public Water System  
Docket No. **SDWA-08-2010-0046**  
PWS ID #5600740

Dear Mr. Bertrand:

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 above 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 black ink, appearing to read "Darcy O'Connor". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

Darcy O'Connor, Acting 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

2010 MAY 20 AM 11:56

IN THE MATTER OF: )  
 )  
David Bertrand, )  
 )  
Respondent. )

Docket No. **SDWA-08-2010-0046**

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. David Bertrand (Respondent) is an individual who owns and/or operates the Little Bear Inn Water System (the system), which provides piped water to the public in Laramie County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well. The water is not treated.
4. The system has approximately 1 service connection and regularly serves at least 100 individuals daily at least 60 days out of the year. Therefore, the system is a “public water system” as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. If more than one sample collected in any month from the system’s water is positive for total coliform, the Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). More than one total coliform sample collected in November and December 2009 from the system was positive for total coliform. Therefore, Respondent violated this requirement.
7. 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 6, above 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):

8. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63 while this Order is in effect, Respondent shall, within 60 days of learning of this violation, install and continuously operate disinfection equipment or processes to achieve and maintain consistent compliance with the total coliform MCL. Respondent shall notify EPA within 10 days of installing such disinfection. Please note that the Wyoming Department of Environmental Quality may require Respondent to obtain a permit prior to making any improvements to the system.

9. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63, 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).

10. 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

11. 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.

12. 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 20, 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