



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

2019 MAY 20 AM 10:46

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EPA REGION VIII  
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**MAY 20 2019**

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Jared Severson and Ms. Charlene Severson  
6002 US-14  
Dayton, Wyoming 82836

Re: Administrative Order issued regarding Arrowhead Lodge Wyoming, LLC Public Water System, PWS ID #WY5600480, Docket No. **SDWA-08-2019-0020**

Dear Mr. and Ms. Severson:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 you (Respondents), as owners and/or operators of Arrowhead Lodge Wyoming Public Water System (System), have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, *etc.*). If the EPA does not hear from you, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative 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.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal email at [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov), or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from the Company's attorney should be directed to Mia Bearley, Enforcement Attorney, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



Tiffany A. Cantor, Section Chief  
SDWA Enforcement  
Enforcement and Compliance Assurance Division

Enclosures:

1. Public Notification - Revised Total Coliform Rule Failure To Monitor Template
2. Ground Water Rule - Failure to Take Corrective Action - Public Notification Template
3. Tips for WY and Tribal Systems. How to Stay in Compliance with Monitoring Requirements Sheet.

cc: WY DEQ/DOH (via email)  
Sheridan County Commissioners ([mnickel@sheridancounty.com](mailto:mnickel@sheridancounty.com))  
Mr .and Ms. Severson ([info.arrowheadlodge@gmail.com](mailto:info.arrowheadlodge@gmail.com))  
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: )  
 )  
Jared and Charlene Severson )  
(Arrowhead Lodge Wyoming, LLC Water System) )  
PWS ID #WY5600480 )  
 )  
Respondents )

2019 MAY 20 AM 10:46  
Docket No. **SDWA-08-2019-0020**  
**ADMINISTRATIVE ORDER**  
FILED  
EPA REGION VIII  
HEARING CLERK

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Jared and Charlene Severson (Respondents) are individuals who own and/or operate the Arrowhead Lodge Wyoming Public Water System (System), which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated although occasionally calcium hypochlorite is added to storage tanks.
4. The System has approximately 3 service connections and/or regularly serves an average of approximately 100 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. Respondents are 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).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondents are required to complete corrective action of a significant deficiency in accordance with an EPA approved corrective action schedule or within 120 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondents received a letter from the EPA on October 23, 2017, which detailed significant deficiencies, and the EPA approved a schedule for the System to complete the corrective actions by April 23, 2018. Respondents failed to complete all corrective actions by April 23, 2018, and failed to notify the EPA of corrective action completion by May 23, 2018, and therefore violated this requirement.
8. Respondents are required to correct any sanitary defects during the Level 2 Assessment conducted July 2, 2018. Respondents must correct all sanitary defects either within 30 days of receiving the Level 2 Assessment or within an EPA-approved schedule. Respondents must notify the EPA when

each scheduled corrective action is completed. 40 C.F.R. § 141.859(c). Respondents failed to timely correct all sanitary defects found during the Level 2 Assessment, and/or failed to notify the EPA of corrective action completion, and therefore violated these requirements.

9. The System has not notified the EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses. Respondents are 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. 40 C.F.R. § 141.402. Respondents must sample each ground water source, and have it analyzed for a fecal indicator (e.g. *E. coli*). Respondents failed to monitor the System's source for a fecal indicator within 24 hours after a sample taken on July 13, 2017, was analyzed as total coliform positive and, therefore, violated this requirement. 40 C.F.R. § 141.402. A triggered source sample was taken on September 8, 2017.

10. Respondents are required to monitor the System's water monthly for total coliform. 40 C.F.R. §§ 141.853-858. Respondents failed to monitor the System's water for total coliform bacteria in July 2018, and, therefore, violated this requirement.

11. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the violations cited in paragraphs 7, 8, 9 and 10 above and therefore violated this requirement.

12. Respondents are 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). Respondents failed to report the violation cited in paragraph 10, above, to the EPA and therefore violated this requirement.

13. Respondents are 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). Respondents failed to report the violation cited in paragraphs 7, 8 and 9, above, to the EPA and therefore violated this requirement.

### **ORDER**

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

14. Within 90 days of receipt of this Order, Respondents shall complete corrective action of the following significant deficiencies and notify the EPA within 30 days after their completion. Respondents shall provide sufficient evidence to the EPA, including photographs, of the corrective actions. Thereafter, Respondents shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

- a) Well WL01 must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter it.

15. Within 15 days of receipt of this Order, Respondents shall complete corrective action of the following sanitary defects and notify the EPA when each scheduled corrective action is completed. If any corrective action will take longer than 15 days to complete, Respondents shall consult with and submit a schedule for completion to the EPA within 7 days of receipt of this Order and shall complete corrective actions in accordance with an EPA-approved schedule. Thereafter, Respondents shall comply with all provisions of 40 C.F.R. § 141.859(c) regarding any identified sanitary defects at the System.

- a) Install backflow prevention devices on all RV sites. Without backflow prevention devices, bacteria can grow from piping in the yard into distribution plumbing.

16. Within 24 hours of being notified that a routine total coliform monitoring result is positive, Respondents shall conduct source water monitoring (triggered source water sampling) as required by 40 C.F.R. § 141.402. If the sample is negative, Respondents shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken.

17. If the triggered source sample is positive, Respondents shall notify the EPA immediately for appropriate assistance in meeting the requirement to provide public notice 40 C.F.R. § 141.402(g) within 24 hours as required by 40 C.F.R. § 141.202. When reporting any triggered source water sample result to the EPA, Respondents shall specify that it is a triggered source water sample. Respondents shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

18. Respondents shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents shall report total coliform analytical results to the EPA within the first ten days following the end of the System's required monitoring period. See, 40 C.F.R. § 141.31(a).

19. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondents shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondents shall report the violation to the EPA within that different period.

20. This Order shall be binding on Respondents, their successors and, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.

21. If Respondents (a) lease or sell the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondents shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents shall remain obligated to comply with this Order.



22. Respondents shall send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [carbballal-broome.christina@epa.gov](mailto:carbballal-broome.christina@epa.gov)

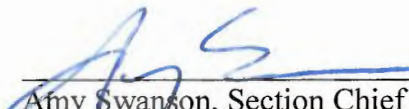
### **GENERAL PROVISIONS**


23. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

24. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$57,317 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 84 Fed. Reg. at 2059 (February 6, 2019).

25. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

Issued: May 20th, 2019.

  
\_\_\_\_\_  
Amy Swanson, Section Chief  
Regulatory Enforcement  
Office of Regional Counsel

  
\_\_\_\_\_  
Tiffany A. Cantor, Section Chief  
SDWA Enforcement  
Enforcement and Compliance Assurance Division



## **EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements**

### **Check your Monitoring Schedule**

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to “*What You Need to Do Next with Monitoring Requirements*” which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

**When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible!** This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10<sup>th</sup> of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: [r8dwu@epa.gov](mailto:r8dwu@epa.gov) or faxed to: 1-877-876-9101

**Where to Sample** – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

**Surface Water Treatment Rule** – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

### Total Coliform Rule

- Anytime you have a *E. coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTCR Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in *“Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip”*, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

### Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2> , together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

**Nitrates – This is an acute contaminant.** If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

### Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

**Other Rules** - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.



**Drinking Water Online** - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

**Drinking Water Watch** - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwizr8.epa.gov/Region8DWWPUB/default.jsp>

**Emergencies (After Hours)** - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Office of Small and Disadvantaged Business Utilization (OSDBU)

[www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu](http://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu)

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman (ASBO)

[www.epa.gov/resources-small-business/asbestos-small-business-ombudsman](http://www.epa.gov/resources-small-business/asbestos-small-business-ombudsman) or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance](http://www.epa.gov/compliance)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### Compliance Assistance Centers

[www.complianceassistance.net](http://www.complianceassistance.net)

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org)

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Surface Finishing

<http://www.sterc.org>

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines and Clearinghouses

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/catc](http://www.epa.gov/catc) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 1-734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu](http://www.npic.orst.edu) or 1-800-858-7378

**National Response Center Hotline** to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/p2/pollution-prevention-resources#ppic](http://www.epa.gov/p2/pollution-prevention-resources#ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

[www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline](http://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline) or 1-800-426-4791

### Toxic Substances Control Act (TSCA) Hotline

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal](http://www.epa.gov/tribalportal)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

#### EPA's Small Business Compliance Policy

[www.epa.gov/enforcement/small-businesses-and-enforcement](http://www.epa.gov/enforcement/small-businesses-and-enforcement)

#### EPA's Audit Policy

[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*

# PUBLIC NOTICE

Date of Release: \_\_\_\_\_ PWS Number: \_\_\_\_\_

## FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All \_\_\_\_\_ Water Users  
(Name of water system/business)

*We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During \_\_\_\_\_ we did not complete all monitoring for total coliform (compliance period) bacteria and therefore cannot be sure of the quality of our drinking water during that time.*

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?  
\_\_\_\_\_  
\_\_\_\_\_

If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.  
(Water system contact person) (Phone)

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.  
You may use the above notice sample or write your own but the text in italics must be included in any notification.

**PWS Operator/Responsible Party:**

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

**Community Systems must use one of the following methods:**

- hand or direct delivery
- mail, as a separate notice or included with the bill

**Non-Community Systems must use one of the following methods:**

- posting in conspicuous locations
- hand delivery
- mail

**In addition,** both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved but in no case less than seven (7) days, even if the violation is resolved. If the violation has been resolved, you must post the notice for at least one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

After issuing the notice, make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice.

Send the copy of your notice and dates posted to:

RTCR MANAGER  
US EPA REGION 8  
PUBLIC WATER SYSTEM PROGRAM - 8WP-SDA  
1595 WYNKOOP ST.  
DENVER CO 80202

Or, you can fax a copy to: Attn: RTCR Manager at **877-876-9101**.

If you have questions about your RTCR FTM violation call 1-800-227-8917 and ask to speak with the RTCR Manager.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued  
(PWS Operator/Responsible Party)

from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_