



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

MAY 19 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Fremont County Commissioners
c/o Douglas L. Thompson, Chairman
450 North Second St.
Lander, WY. 82520

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Sunnyside Mobile Home Park
PWS ID#WY5601556

Dear County Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued to Sunnyside Mobile Home Park, located in Riverton, Wyoming. This Order requires that Sunnyside Mobile Home Park take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The violations include: an exceedance of the total coliform maximum contaminant level (MCL), failure to monitor for total coliform, nitrates, organic and inorganic contaminants, and radionuclides, failure to post public notice and failure to report violations to the EPA.

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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Thomas V. Larson, Registered Agent
TPJ Investors, LLC
1206 S. 8th East
Riverton, Wyoming 82501

Re: Administrative Order
Docket No. **SDWA-08-2008-0055**
Sunnyside Mobile Home Park
PWS ID #WY5601556

Dear Mr. Larson:

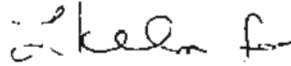
Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how TPJ Investors, LLC violated the National Primary Drinking Water Regulations.

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 TPJ Investors, LLC complies with the Order for twelve months, 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.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515, or (303) 312-6515. For legal questions, the attorney assigned to this matter is Thomas Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order

cc: Harvey Spoonhunter, Chairman, Northern Arapaho Business Council
Ivan Posey, Chairman, Eastern Shoshone Business Council
WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 MAY 13 AM 10:40

IN THE MATTER OF)
)
TPJ Investors, LLC, Owner)
Sunnyside Mobile Home Park)
Riverton, Wyoming)
)
Respondent)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0055

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. TPJ Investors LLC (Respondent) is a company which owns and/or operates Sunnyside Mobile Home Park (the System) located at 1206 South 8th East in Fremont County, Wyoming which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well, is not treated, and serves approximately 25 people through at least 19 service connections all year. The System is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. § 141.

VIOLATIONS

3. Respondent is required to monitor the System's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in October 2007 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

4. Respondent is required to monitor the System's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during May 2006 and September 2007 and, therefore, violated this requirement.

5. Respondent is required to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample. 40 C.F.R. § 141.21(b). Respondent failed to collect a set of repeat samples after the July 2007 total coliform positive routine sample and, therefore, violated this requirement.

6. The drinking water regulations require public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month they provide water to the public. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least 5 routine samples in August and November of 2007 after a total coliform positive sample in the preceding month and, therefore, violated this requirement.

7. Respondent is required to monitor the System's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2007 and, therefore, violated this requirement.

8. Respondent is required to initially monitor the System's water for four consecutive, quarterly samples during 2007 to determine compliance with the MCL for radionuclides. 40 C.F.R. § 141.26(a). Respondent failed to monitor the water for contamination of radionuclides during all four quarters of 2007 and, therefore, violated this requirement.

9. Respondent was required to initially monitor the system's water for four consecutive, quarterly samples beginning in 2004 to determine compliance with the MCL for volatile organic contaminants. 40 C.F.R. § 141.24(f). Respondent sampled the water for contamination of volatile organic contaminants in November 2004 and December 2005, but failed to sample for four consecutive quarters from January 2005 to the present and, therefore, violated this requirement.

10. Respondent was required to initially monitor the system's water for four consecutive, quarterly samples beginning in 2004 to determine compliance with the MCL for pesticide/herbicide organic contaminants. 40 C.F.R. § 141.24(h). Respondent sampled the water for contamination of pesticide/herbicide organic contaminants in November 2004 and December 2005, but failed to sample for four consecutive quarters from January 2005 to the present and, therefore, violated this requirement.

11. Respondent was required to monitor the system's water once in each 3 year compliance period to determine compliance with the MCL for inorganic contaminants. 40 C.F.R. § 141.23(c)(1). Respondent failed to monitor the water for inorganic contaminants in the 3 year compliance period 2005-2007 and, therefore, violated this requirement.

12. 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 violations listed in paragraphs 3, 4 (May 2006 violation), 8, 9, 10, and 11 above and therefore violated this requirement. Public notice for failure to collect total coliform repeat and routine samples, as described in paragraphs 5 and 6 above, are not yet overdue. Public notice for failure to monitor for nitrate is not yet overdue.

13. The drinking water regulations require public water systems that have exceeded the MCL for total coliform to report the violation to EPA no later than the end of the next business day after learning of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to EPA instances of noncompliance detailed in paragraph 3 above and, therefore, violated this requirement.

14. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violations listed in paragraphs 4, 5, and 6 above and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraphs 12 and 13 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 7, 8, 9, 10 and 11 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

16. Upon receipt of this Order, Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2). Respondent shall report any total coliform MCL violation to EPA no later than the end of the next business day after Respondent learns of the violation. 40 C.F.R. § 141.21(g)(1).

17. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

18. Upon receipt of this Order, Respondent shall comply with all total coliform repeat sampling requirements. 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat total coliform bacteria samples within 24 hours of being notified of a total coliform positive routine sample.

19. Upon receipt of this Order, Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples.

20. Within 30 days of receipt of this Order and annually thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Respondent shall report any violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

21. Prior to June 30, 2008 and during the three subsequent quarters, Respondent shall begin monitoring for four consecutive quarters for radionuclides and per the regulations thereafter. 40 C.F.R. § 141.26(a). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

22. Prior to June 30, 2008 and during the three subsequent quarters, Respondent shall begin monitoring for four consecutive quarters for volatile organic contaminants and per the regulations thereafter. 40 C.F.R. § 141.24(f). Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

23. Prior to June 30, 2008 and during the three subsequent quarters, Respondent shall begin monitoring for four consecutive quarters for pesticide/herbicide contamination and per the regulations thereafter. 40 C.F.R. § 141.24(h). Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

24. Prior to June 30, 2008 and per the regulations thereafter, Respondent shall monitor for inorganic contaminants. 40 C.F.R. § 141.23(c)(1). Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

25. Within 30 days of this Order, the Respondent must provide notice of the violations in paragraphs 3, 4 (May 2006 violation), 8, 9, 10, and 11 of this Order. 40 C.F.R. §§ 141.201, 141.202, 141.203 and 141.205. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). Respondent shall notify the public of these and any future violations by 1.) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; and 2.) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. 40 C.F.R. § 141.201 et seq. Please note that all violations that occurred in 2007 must also be included in Respondent's Consumer Confidence Report for 2007, which is due to be delivered to the Sunnyside Mobile Home Park community by July 1, 2008.

26. Respondent shall report any violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

27. Reporting requirements specified in this Order shall be provided by certified mail to:

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

GENERAL PROVISIONS

28. 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.

29. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

5/15/08

Date

Matthew Cohn

David J. Janik, Acting Director
Matthew Cohn, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

5/12/08

Date

Diane L. Sipe

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice