



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 WYNKOOP STREET
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Ref: 8ENF-W

NOV 22 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan Pownell
Bryan's Place
1416 Highway 51
Rozet, WY 82727

Re: Administrative Order Violation #3
Docket No. SDWA-08-2010-0044
SDWA-08-2011-0055
PWS ID #5601477

Dear Mr. Pownell:

This is the third letter notifying you of noncompliance with two administrative orders issued by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Specifically, you were served with an Administrative Order (Order) dated May 20, 2010, and a subsequent Order dated July 28, 2011. Both Orders require you, as owner and/or operator of Bryan's Place Public Water System (System), to comply with various drinking water regulations issued by EPA to protect the health of persons served by the System. Your noncompliance with the 2010 Order already resulted in a complaint for penalty and the issuance of a Default Order by the presiding officer, ordering you to pay a penalty of \$1,200 in addition to interest and late fees. You must comply immediately with the Orders to prevent this matter from further escalating, including a referral to the U.S. Department of Justice and/or the assessment of additional civil penalties.

Our records indicate that you (Respondent) are in violation of the 2010 Order. Among other things, the 2010 Order included the following requirements (quoted from item 10 on page 2 of the Order):

Respondent shall monitor the system's water quarterly for total coliform bacteria, as required by 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 were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

EPA has not received total coliform analytical results for the 2nd (April-June) and 3rd (July-September) quarters of 2011. You also failed to report these violations to EPA.

Our records also indicate that you (Respondent) are in violation of the 2011 Order. Among other things, the 2011 Order included the following requirements (quoted from items 9 and 10 on page 2 of the Order):

1. Within 10 days after receipt of this Order, Respondent shall consult with EPA regarding appropriate corrective actions for addressing the following significant deficiencies AND submit a written corrective action plan and schedule to EPA. 40 C.F.R. § 141.403 (a).
 - a) Well #1 is improperly constructed. The casing must be extended a minimum of 18 inches above ground level or a sump pump installed to prevent any system leaks from filling the vault with water above the casing. b) Lack of an Emergency Response Plan that outlines what action will be taken by whom during an emergency situation.
2. Within 30 days after receipt of this Order, Respondent shall complete the appropriate corrective actions identified in paragraph 9 above, as required by 40 C.F.R. § 141.403(a). The Wyoming Department of Environmental Quality has regulatory and permitting requirements that may need to be addressed prior to modifying the system.

EPA has not been consulted regarding corrective actions for addressing the significant deficiencies nor has EPA been notified that the corrective actions have been completed. You also failed to report these violations to EPA. Attempts to reach you by phone to discuss the situation have been unsuccessful despite a phone call from Judy Nix on your behalf in February 2011 responding to the complaint.

EPA is considering additional enforcement action as a result of your noncompliance with both Orders. 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 Kathelene Brainich at 1-800-227-8917, extension 6481 or (303) 312-6481. If you are represented by an attorney who has questions, ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 312-6906, or (303) 312-6906 or at the following address:

Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



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

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