



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

OCT 20 2010

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Boyd Potts, Owner/Operator  
B & K Mobile Home Park  
1315 S. Federal Blvd. #55  
Riverton, WY 82501

Re: Amended Administrative Order  
Docket No. SDWA-08-2010-0059  
PWS ID # WY5600180

Dear Mr. Potts:

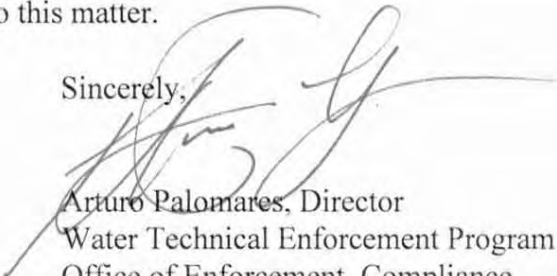
Enclosed is an Amended Administrative Order (Order) which amends the Administrative Order EPA issued to you on July 7, 2010. The Order has been amended to include additional violations. Specifically, the added violations are: failure to conduct triggered source monitoring after a total coliform positive sample in May 2010, failure to monitor total coliform in June 2010, and failure to include violations in the consumer confidence report covering 2009. This amendment does not impact the due dates of the original Order's requirements.

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.

If you have any questions regarding this amendment, 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. If you are represented by an attorney, please ask your attorney to direct any legal questions to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906 or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosure

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 OCT 20 AM 9: 03

IN THE MATTER OF: )  
 )  
Boyd Potts, )  
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 )  
 )  
Respondent. )

Docket No. SDWA-08-2010-0059

FILED  
EPA REGION VIII  
HEARING CLERK

AMENDED  
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. Boyd Potts (Respondent) is an individual who owns and/or operates the B & K Mobile Home Park Water System (the system), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The system is supplied by one well and the system's water is untreated.
4. The system has approximately 52 service connections used by year-round residents and/or regularly serves an average of approximately 300 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.
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).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system since Respondent gained ownership of the system in 2006.

VIOLATIONS

7. Respondent is required to conduct triggered source monitoring, collecting at least one water sample for E. coli testing from each source in use, within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive. 40 C.F.R. § 141.402(a). The system received a total coliform-positive result for the routine water sample collected on May 11, 2010, but Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement.
8. Respondent is required to monitor the system's water for lead and copper. 40 C.F.R. § 141.86(d). Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent collected only one of the five required samples during the 2008 triennial monitoring period and, therefore, violated this requirement.

9. After failing to adequately monitor the system's water for lead and copper in 2008, Respondent was required to monitor the system's water for lead and copper between June 1 and September 30, 2009. 40 C.F.R. § 141.86(d). Respondent failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement.
10. If the system has one or more total coliform positive samples, Respondent is required to collect at least 5 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 May 2010, Respondent failed to take at least 5 routine samples of the system's water in June 2010 and, therefore, violated this requirement.
11. Respondent is required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2). Respondent failed to monitor total coliform bacteria during June 2010 (not analyzed), July (not analyzed) and December 2009 (sampled November 30, 2009); and August and October 2006, and, therefore, violated this requirement.
12. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA of having done so. Among other things, it is required that the CCR note any monitoring and reporting violations that occurred during the year covered by the report. 40 C.F.R. §§ 141.153 and 154. Respondent failed to include the 2006 and 2009 failure to monitor total coliform bacteria violations listed in paragraph 11 above in the 2006 and the 2009 CCR, respectively, and, therefore, violated this requirement.
13. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner and within the timeframe specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the May 2010 triggered source water monitoring violation within 30 days of the violation and the August and October 2006 and the July 2009 total coliform violations within one year of the violation listed in paragraphs 7 and 11, respectively, above, and, therefore, violated this requirement.
14. Respondent is required to report any violation of any drinking water regulation to 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 7, 8, 9, 12 and 13 above to EPA and, therefore, violated this requirement.
15. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 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 upon Respondent's receipt of this Order (unless a different deadline is specified below):

16. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its groundwater source for analysis of fecal indicators. Respondent shall thereafter collect at least one water sample for E. coli testing from each source in use within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive, as required by the Groundwater Rule at 40 C.F.R. § 141.402. Respondent shall report analytical results to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of the Groundwater Rule requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

17. Respondent shall annually monitor the system's water for lead and copper until notified in writing of a different monitoring schedule by EPA, collecting five samples per sampling event, in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

18. If any routine sample for the system is total coliform positive, Respondent shall collect at least 5 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. 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).

19. Respondent shall monitor the system's water for total coliform bacteria monthly, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, 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).

20. Respondent shall prepare and deliver an annual CCR which includes all required information, including any violations incurred during the year, to the system's customers by July 1 of each year and certify to EPA of having done so by October 1, as required by 40 C.F.R. §§ 141.153 and 154. Respondent shall report any violation of CCR requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

21. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 10, and 11 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA. For community water systems, the CCR may be used as the public notice for Tier 3 violations that occurred during the previous twelve months.

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

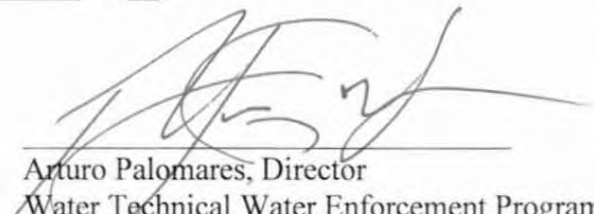
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, CO 80202-1129

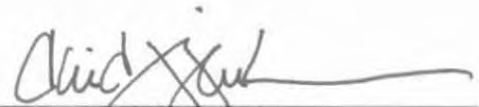
#### **GENERAL PROVISIONS**

23. 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.

24. 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: October 20, 2010

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

  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice