



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 20 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Roy Edwards, Chair  
500 S. Gillette Avenue  
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Bryan's Place  
PWS ID# 5601477

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 Bryan Pownell as the owner/operator of Bryan's Place in Rozet, Wyoming, directing him to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failure to monitor for total coliform bacteria and nitrate 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 be "Darcy O'Connor", written over a horizontal line.

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

Enclosure (Order)



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REGION 8

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Phone 800-227-8917  
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MAY 20 2010

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Administrative Order  
Bryan Pownell  
Bryan's Place Public Water System  
Docket No. **SDWA-08-2010-0044**  
PWS ID #5601477

Dear Mr. Pownell:

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 letterhead address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 312-6906, 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', with a long, sweeping horizontal line 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

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
Bryan Pownell, )  
 )  
 )  
Respondent. )  
\_\_\_\_\_

Docket No. **SDWA-08-2010-0044** **2010 MAY 20 AM 8:41**

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 the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. (the Act), as properly delegated to the undersigned officials.
2. Bryan Pownell (Respondent) is an individual who owns and/or operates Bryan's Place Water System (the system), which provides piped water to the public in Campbell 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 was reinstated as a public water system on May 13, 2009. The system has approximately 4 service connections and regularly serves at least 25 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. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the system's water for total coliform bacteria during the 3<sup>rd</sup> (July-September) and 4<sup>th</sup> (October-December) quarters of 2009, and the 1<sup>st</sup> (January-March) quarter of 2010 and, therefore, violated this requirement.
7. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2009, and, therefore, violated this requirement.
8. Respondent is required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify EPA of the violations cited in paragraph 6 above.
9. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 7 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):

10. 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).

11. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. 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 notify EPA within 48 hours of any violation of the nitrate monitoring requirements, as required by 40 C.F.R. § 141.31(b).

12. 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

13. 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.

14. 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

Bryan Pownell (Bryan's Place)  
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and Environmental Justice