



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUL 31 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lincoln County Commissioners
c/o Paul C. Jenkins, Chairman
925 Sage Avenue, Suite 302
County Courthouse
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Flat Creek RV Park
Public Water System
PWS ID # WY5601273

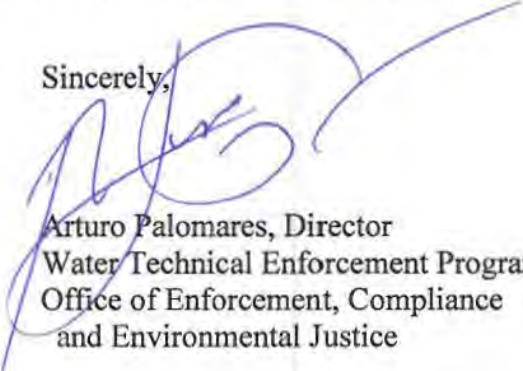
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Roxane Cretal and Kelly Garland who own the Flat Creek RV Park Public Water System, located in Lincoln County, WY, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to take a triggered source water sample following a positive total coliform sample, failing to take five additional routine samples in the month following a positive total coliform result, late reporting of nitrate results and failing to report certain violations to the 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 this Order, please contact Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure:
Administrative Order



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JUL 31 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roxane Cretal, Owner and Operator
Kelly Garland, Owner
Flat Creek RV Park
P.O. Box 239
Thayne, WY 83127

Re: Administrative Order
Flat Creek RV Park Public Water System
Docket No. **SDWA-08-2013-0048**
PWS ID #WY5601273

Dear Ms. Cretal and Mr. Garland:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) 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, as co-owners and/or operators of the Flat Creek RV Park Public Water System (System) have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe the EPA may not have (e.g., ownership information, any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the Order does not correctly state how many people and/or service connections are served by the System, please let the EPA know within 10 days; 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 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.

The Order requires you to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail. EPA has also included a Source Water Sampling Collection and Reporting Form for use when a system collects a required triggered source water monitoring sample following a positive total coliform sample.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from your attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6193, or (303) 312-6193.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template
Source Water Sampling Collection and Reporting Form

cc:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUL 31 AM 8:03

IN THE MATTER OF: _____)

Roxane Cretal and
Kelly Garland, _____)

_____)
Respondents. _____)

Docket No. **SDWA-08-2013-0048**

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

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. Roxane Cretal and Kelly Garland (Respondents) are individuals who own and/or operate the Flat Creek RV Park Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The System's water is not treated to at least a 4-log, or 99.99%, removal of viruses.
4. The System has approximately 27 service connections and/or regularly serves an average of approximately 55 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. If the System has one or more sampling results that are positive for total coliform, Respondents are required to collect at least five additional 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 on June 12, 2012, Respondents failed to take at least five additional routine samples of the System's water in July 2012, and, therefore, violated this requirement.
8. 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. For triggered source water monitoring, Respondents must sample each ground water source and have it analyzed for a fecal indicator (i.e., *E. coli*). 40 C.F.R. § 141.402. Respondents were notified that a June 12, 2012, routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40

C.F.R. § 141.21(c)) was positive for total coliform. However, Respondents failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402.

9. Respondents are required to report the results of testing for nitrate to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitoring period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondents failed to report the 2010 monitoring results for nitrate to the EPA within this time period and, therefore, violated this requirement. The December 28, 2010, nitrate results were reported to the EPA on March 29, 2011.

10. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Public notifications for the violations cited in paragraphs 7 and 8, above, are due within 12 months of the violations. Respondents failed to notify the public of the violations cited in paragraphs 7 and 8, above, and, therefore, violated this requirement.

11. 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 failure to monitor for total coliform violation cited in paragraph 7, above, to EPA and, therefore, violated this requirement.

12. 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 violations cited in paragraphs 8, 9 and 10, 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):

13. If any routine sample for the System is positive for total coliform, Respondents shall collect at least five additional routine samples during the next month in which the system provides water to the public, following procedures in 40 C.F.R. § 141.21. Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

14. Within 48 hours after receipt of this Order, Respondents shall collect at least one water sample from its ground water source for fecal indicator analysis (i.e., *E. coli*). 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. If the sample is positive, Respondents shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondents shall comply with all



source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondents shall specify that it is a triggered source water sample.

15. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondents shall report each monitoring result to 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).
16. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7 and 8, above, following the instructions provided with the public notice templates provided to Respondents with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to the EPA.
17. Respondents shall notify the EPA within 10 days after any sale of the System or any reduction in the population served by the System if such reduction brings the number of service connections to fewer than 15 or the number of individuals served to fewer than 25. The notification of any sale shall include the name and contact information for the entity buying the System.
18. This Order shall be binding on Respondents, their assigns or heirs, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.
19. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, no later than the date of such lease, sale or other contract, provide a copy of this Order to the lessee, purchaser or contractor and, no later than 10 days thereafter, notify the EPA in writing of the lease or other contract. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hires another person or entity to operate the System.
20. Respondents shall send all reporting and notifications required by this Order in writing to:

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

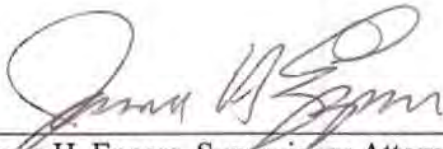
GENERAL PROVISIONS

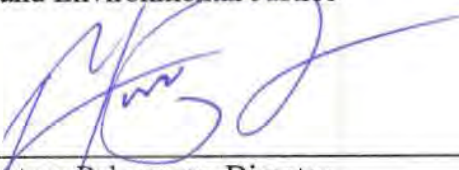
21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.



22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents 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.
23. 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).
24. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

Issued: July 31, 2013


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, 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.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

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

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

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's 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/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills

www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

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)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

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/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

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), or go to their website at www.sba.gov/ombudsman.

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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Flat Creek RV Park

Our water system violated several drinking water regulations over the compliance period shown below. As our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. We did not collect and analyze a triggered source water sample within 24 hours of learning of a June 12, 2012 positive total coliform routine sample. We also did not collect five additional routine samples for total coliform bacteria in the month of July, 2012, following the June 12, 2012, positive total coliform sample. Therefore, we cannot be sure of the quality of your drinking water during those times.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency and number of samples	When samples should have been taken
Fecal coliform (E. coli)	If any routine sample is positive for total coliform, collect a triggered source water sample from each ground water source within 24 hours.	June 14, 2012
Total coliform bacteria	If any routine sample is positive for total coliform, collect five additional routine samples the following month.	July 2012

What happened? What is being done?

For more information, please contact:

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.

This notice is being sent to you by Flat Creek RV Park Public Water System ID#: WY5601273.

Date distributed or dates posted: _____.

ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods of delivery (141.204(c)):

- 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 (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see below) that you have met all the public notice requirements. Mail copies to:

Jill Minter
 Water Technical Enforcement Program (8ENF-W)
 US EPA Region 8
 1595 Wynkoop Street
 Denver, CO 80202-1129

Or, you can fax a copy to: Attn: Jill Minter at 303-312-7518.

Certification of Public Notification

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

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

WY and Tribal- Ground Water Rule

SOURCE WATER SAMPLING

Triggered Source Monitoring Sample Collection And Reporting Form

Sampler(s) Section (For field sampler use only):

Utility Information		Public Water System (PWS) Name:		Sampler's Name:		
PWS Identification Number (PWSID):		Phone Number:				
PWS Street Address:		City:	State:	Zip Code:		
Sample Collection		Sampling Location		Sample Type		
Date	Time	(i.e. "SOURCE-Well #4"):		(Check One)		
				<input type="checkbox"/> Routine	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
				<input type="checkbox"/> Routine	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
				<input type="checkbox"/> Routine	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
				<input type="checkbox"/> Routine	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
				<input type="checkbox"/> Routine	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
Sampler(s) name (Print):		Sampler(s) signature:			Date signed:	

Laboratory Section (For laboratory use only):

Laboratory Information			Laboratory Phone Number:			Date/Time Sample Received:			
Laboratory Name:									
Lab Specimen ID	Sample Location	Analytical Method Used	Total Coliform P/A/NA	E. coli P/A/NA	Analysis Start		Analysis Complete		Comments
					Date	Time	Date	Time	
Analyst(s) Signature:					Date signed:				

Send Copies Of Completed Forms To: Ground Water Rule Manager, Tiffany Mifflin
 Email: mifflin.tiffanv@epa.gov