



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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VA REGION VII
FBI/DOJ/FRM

Ref: 8ENF-L

SENT VIA REGULAR MAIL

Harry Washut, Registered Agent
Wagon Box Rv LLC
POB 92
Moran, WY 83013

Re: Administrative Order
Docket No. SDWA-08-2009-0042
PWS ID #5601580

Dear Mr. Washut:

On April 8, 2009, the U.S. Environmental Protection Agency (EPA) issued Wagon Box Rv LLC (Wagon Box) an Administrative Order (Order) (Docket No. SDWA-08-2009-0042). The purpose of this letter is to reiterate the Order's requirements for improvement of the well and compliance with the regulations following the decision by the Wyoming Department of Environmental Quality (WDEQ) to deny Wagon Box's permit for installing disinfection equipment at the Wagon Box Water System's (system) well as it is currently configured.

The system is a "non-community system" as defined by the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. § 141.2. As such, Wagon Box as the system owner and/or operator is subject to the Safe Drinking Water Act (SDWA) and the drinking water regulations. In addition, the system is subject to the Order until such time as EPA deems it appropriate to close the Order without further action.

EPA issued the Order to protect public health following the system's exceedance of the maximum contaminant level (MCL) for total coliform bacteria in October 2008 (40 C.F.R. § 141.63). When, as in this case, sampling results violate the total coliform MCL, the system owner or operator must bring the water system into compliance or face additional penalties or legal action. Although EPA may exercise its discretion in allowing systems that are operated for distinct periods each year to sample and monitor only during their periods of operation, the drinking water regulations apply continuously to regulated systems.

On May 18, 2009, you phoned Kathelene Brainich of EPA with questions concerning the Order's applicability following WDEQ's decision not to issue Wagon Box a permit for installing disinfection equipment. Specifically, you inquired whether you must comply with paragraph 5, page

1 of the Order, based on the permit denial. In response, please note that EPA is not requiring the installation and operation of continuous disinfection to achieve consistent interim compliance required in paragraph 5, page 1 of the Order based on this circumstance.

Notwithstanding information received from Wagon Box that it will not open the RV Park this summer, Wagon Box Rv LLC must still comply with page 2, paragraph 7 of the Order:

“Within 90 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent long-term compliance with the total coliform bacteria MCL. 40 C.F.R. § 141.63. The plan shall include proposed system modifications (which must include, but is not limited to, installation of cross-connection control devices, improving the wellhead area to prevent contamination from entering the well and obtaining a Class 5 injection well permit for a large capacity septic system by the WDEQ Water Quality Division), estimated cost of the modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date to be within 6 months after EPA’s approval of the plan. The plan and schedule must be approved by EPA before construction or modifications can commence. EPA’s approval of Respondent’s plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications can be made to the system.”

According to EPA’s records, an authorized Wagon Box representative accepted receipt for the Order on April 21, 2009. The time period for complying began the following day, or April 22, 2009. Wagon Box must, therefore, submit the plan to EPA by July 22, 2009. It is imperative that Wagon Box make needed improvements to the system to ensure the safe provisioning of drinking water due to the number of persons served by the system year-round, including infants, children and/or elderly persons. Failure to submit the plan and schedule will be deemed a violation of the Order.

Please be reminded that failure to comply with any requirement of the Order or underlying drinking water regulations may result in further enforcement, including the assessment of penalties and/or an action in federal district court for injunctive relief. All terms and conditions of the Order with the exception of paragraph 5, page 1 of the Order, remain in full force and effect. If you have any questions, I may be reached at (303) 312-6906.

Sincerely,



Amy Swanson
Senior Enforcement Attorney
Legal Enforcement Program

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