



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

FEB - 8 2011

Lincoln County Commissioners
c/o Jerry Harmon, Chair
925 Sage Avenue
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Bruce and Susan Hendrick, Owners/operators
Star Valley Trailer Court
PWS ID#5601017

Dear Commissioners:

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

An Administrative Order is being issued to Bruce and Susan Hendrick, as owners/operators of the Star Valley Trailer Court in Afton, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor total coliform bacteria, triggered source water sampling, and lead and copper; a total coliform bacteria maximum contaminant level violation; and failure to notify EPA and the public of all violations. The system has returned to compliance regarding these violations.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

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

Enclosure



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FEB - 8 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce and Susan Hendrick
Star Valley Trailer Court
POB 116
Grover, WY 83122

Re: Administrative Order
Docket No. **SDWA-08-2011-0020**
PWS ID #5601017

Dear Mr. and Mrs. Hendrick:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how you, as owners and/or operators of the Star Valley Trailer Court, have violated the National Primary Drinking Water Regulations. EPA acknowledges that you have returned to compliance regarding the monitoring violations.

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.

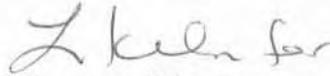
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

To submit information or request an informal conference with EPA, 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

Charles Figur, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6915, or (303) 312-6915.

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

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 FEB -8 PM 12: 00

IN THE MATTER OF:)
)
Bruce and Susan Hendrick)
)
)
)
Respondents.)

Docket No. SDWA-08-2011-0020

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 the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Bruce and Susan Hendrick (Respondents) are individuals who own and/or operate the Star Valley Trailer Court Water System (the system), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The system is supplied by one well and the system's water is untreated (the system's water is not treated to at least a 4-log, or 99.99% removal of viruses).
4. The system has approximately 34 service connections used by year-round residents and/or regularly serves an average of approximately 100 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. 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondents are required to conduct triggered source monitoring within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive, collecting at least one water sample for E. coli testing from each source in use. 40 C.F.R. § 141.402(a). The system received total coliform-positive results for routine water samples collected on January 4, 2010, and September 13, 2010, but Respondents failed to collect any triggered source monitoring samples within the required 24 hour time-frame and, therefore, violated this requirement. Respondents sampled the source for E. coli after the January 2010 total coliform-positive sample on February 16, 2010, and after the September 2010 total coliform-positive sample on October 4, 2010.
7. If two or more samples collected in any month from the system's water are positive for total coliform, then Respondents have violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of January 2010 two or more samples from the system were positive for total coliform, and, therefore, Respondents violated this requirement.

8. If the system has one or more total coliform positive samples, Respondents are 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 August 2007, Respondents failed to take at least 5 routine samples of the system's water in September 2007 and, therefore, violated this requirement.
9. Respondents are required to monitor the system's water triennially for lead and copper and to collect at least 5 samples each time they monitor. 40 C.F.R. § 141.86(d). Respondents monitored the system's water for lead and copper on September 2003 and the next sampling was to be done between June 1, 2006, and September 30, 2006. Respondents failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement. Respondents subsequently monitored for lead and copper during September 2007 and 2010.
10. Respondents are 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. Respondents failed to include the 2006 lead and copper violation and the September 2007 total coliform bacteria monitoring violation listed in paragraphs 8 and 9 above in the 2006 and the 2007 CCR, respectively, and, therefore, violated this requirement.
11. Respondents are 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.* Respondents failed to notify the public of the January 2010 total coliform MCL violation within 30 days of the violation and the 2006 lead and copper monitoring violation within one year of the violation as listed in paragraphs 7 and 9, respectively, above, and, therefore, violated this requirement.
12. Respondents are required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondents did not notify EPA of the MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.
13. Respondents are 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). Respondents failed to report the violations listed in paragraphs 6 and 8 above to EPA and, therefore, violated this requirement.
14. Respondents are 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). Respondents failed to report the violations cited in paragraphs 9, 10 and 11 above to 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:

15. Respondents shall 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. Respondents shall report analytical results (specifying it is a triggered source monitoring sample) 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.
16. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2).
17. If any routine sample for the system is total coliform positive, Respondents 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. Respondents 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). Respondents 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).
18. Respondents shall monitor the system's water triennially for lead and copper, collecting five samples per sampling event, in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondents 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. Respondents 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).
19. Respondents 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. Respondents shall report any violation of CCR requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).
20. Within 30 days of receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 6 (September 2010 violation), 7, and 9 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondents shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondents 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.
21. Respondents 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

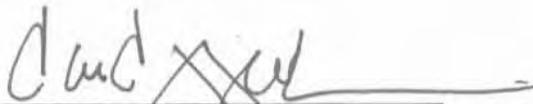
22. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

23. 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.

Issued: February 8, 2011.



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