



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Emil Pendleton, Registered Agent
Ward Creek Landowners Association
P.O. Box 101
Rozet, Wyoming 82727

Re: Administrative Order regarding Ward Creek Landowners Association Public Water System, PWS ID #5600850, Docket # **SDWA-08-2018-0034**

Dear Mr. Pendleton:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 the Ward Creek Landowners Association (Association), as owners and/or operators of the Ward Creek Landowners Association Public Water System (System) in Campbell County, Wyoming, 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 information the Association believes the EPA may not have (for example, monitoring that may have been done but not submitted, updates to the numbers of connections and/or individuals served). If the EPA does not hear from the Association, the EPA will assume the information in the Order is correct.

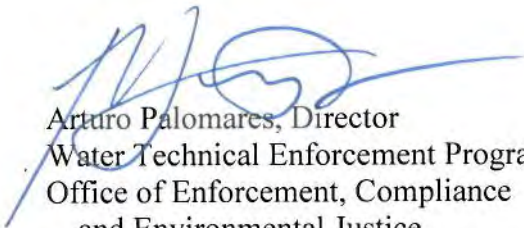
If the Association complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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.

To submit information or to request an informal conference with the EPA, please contact Jill Minter via email at minter.jill@epa.gov or by phone at (800) 227-8917, extension 6084 or (303) 312-6084. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

cc: WY DEQ/DOH (via email)
Campbell County Commissioners (RRB01@ccgov.net)
Melissa Haniewicz, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF:)
)
Ward Creek Landowners Association)
WY5600850)
)
Respondent.)

FILED
HEARING CLERK

Docket No. **SDWA-08-2018-0034**
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. Ward Creek Landowners Association (Respondent) is a Wyoming corporation that owns and/or operates the Ward Creek Public Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well and the water is treated with chlorination.
4. The System has approximately 24 service connections used by year-round residents and/or regularly serves an average of approximately 72 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 section 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 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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples triennially and to submit monitoring results to the EPA within 10 days after the end of each monitoring period. 40 C.F.R. §§ 141.623(a)(b) and 141.629. Respondent failed to monitor the System’s water for TTHM and HAA5 during 2015-2017 and, therefore, violated this requirement. Triennial reduced monitoring is revoked due to Respondent’s failure to monitor and annual monitoring is now required starting in 2018. 40 C.F.R. § 141.621.
8. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA approved corrective action schedule or within 120 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is

required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on March 16, 2017, which detailed significant deficiencies of the storage tank and the EPA approved a third schedule extension for the System to complete corrective action by December 31, 2017. Respondent failed to complete corrective actions by that date and/or failed to notify the EPA of corrective action completion by January 30, 2018, and therefore, violated this requirement.

9. Respondent was required to monitor the System's tap water for lead and copper triennially between 2013 and 2015. 40 C.F.R. §§ 141.86(d)(1)(ii)(B) and (d)(4)(iii). Respondent failed to monitor the System's water for lead and copper during the 2013-2015 monitoring period and therefore violated this requirement. Triennial reduced monitoring was revoked due to Respondent's failure to monitor and annual monitoring was then required. Respondent last monitored the System in 2017. 40 C.F.R. § 141.86(d)(4)(iii).

10. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year and to certify to the EPA that it has done so by October 1. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for 2015 and 2016 to the System's customers and to the EPA and failed to provide a certification to the EPA. Therefore, Respondent violated these requirements.

11. Respondent is 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). Respondent failed to report the violations cited in paragraphs 7 through 10, above, to the 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):

12. Between September 1-30, 2018, and thereafter as directed by the EPA, Respondent shall monitor the System's water for TTHM and HAA5 in accordance with the System's TTHM and HAA5 monitoring plan at sample location S2-#8DOLL, as required by 40 C.F.R. §§ 141.621-623. Respondent shall submit the sampling results to the EPA within 10 days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.

13. Within 60 days of receipt of this Order, Respondent shall complete corrective action of the storage tank significant deficiencies and provide evidence of completion to the EPA, including photographs. Specifically, the access hatch must have a gasket, the roof vent needs to be covered by a #24-mesh screen, the drain needs to be covered by a 24-mesh screen or flapper valve, the cracked concrete tank base must be repaired, and the drain line must terminate between 12-24 inches above the drainage area and flow directed away from the concrete tank base onto an inlet structure, splash plate, or engineered rip-rap. Thereafter, Respondent shall

complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

14. Between June 1 and September 30, 2020, and thereafter as directed by the EPA, Respondent is required to monitor the System's water for lead and copper in compliance with 40 C.F.R. § 141.86(a)-(d). Respondent shall submit monitoring results to the EPA within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). Within 30 days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3).

15. Within 30 days of receipt of this Order, Respondent shall prepare and distribute a 2015 and a 2016 CCR, which include information on drinking water violations that occurred during the year covered by the report, and provide delivery certification to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

16. Respondent shall 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, as required by 40 C.F.R. § 141.31(h).

17. This Order shall be binding on Respondent and any person (e.g., employee, contractor or other agent) acting in concert with Respondent.

18. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such hire or contract, provide a copy of this Order to the employee or contractor and notify the EPA in writing of the employee or contracted parties name and contact information. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.

19. Respondent shall send all reporting and notifications required by this Order to the EPA via email at:

R8DWU@epa.gov and minter.jill@epa.gov.

GENERAL PROVISIONS

20. 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.

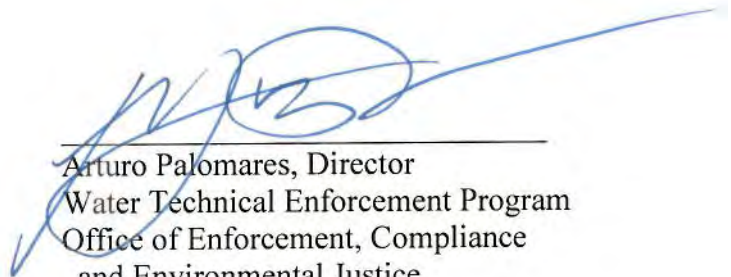
21. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

22. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: _____, 2018.



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
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 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.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

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

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored 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

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

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

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/iimports or 1-734-214-4100

National Pesticide Information Center

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

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

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)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

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/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

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).

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.