



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**AUG 05 2011**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Corporation Service Company  
Registered Agent for  
Mountain Cement Company  
1560 Broadway Blvd., Suite 2090  
Denver, CO 80202-5180

Re: Administrative Order  
Mountain Cement Company  
Public Water System  
Docket No. **SDWA-08-2011-0058**  
PWS ID #WY5601327

Dear Madame/Sir:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that Mountain Cement Company (the company) has violated the National Primary Drinking Water Regulations (the 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 the company complies 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.

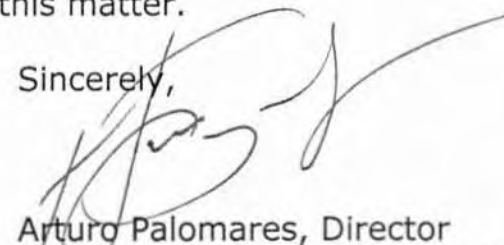
The Order requires the company to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template

explaining the public notice requirements in more detail.

To submit information, or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

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

cc:

WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk  
Mark Andrews, Environmental Manager, Mountain Cement Company  
(via certified mail, return receipt requested)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
2011 AUG 5 AM 9:12

IN THE MATTER OF:

Mountain Cement Company,

Respondent.

FILED  
EPA REGION VIII  
HEARING CLERK

Docket No. SDWA-08-2011-0058

**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 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.
2. The Mountain Cement Company (Respondent) is a Wyoming corporation that owns and/or operates the Mountain Cement Company Water System (the system), which provides piped water to the public in Albany County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of 2 wells; the system's water is not treated.
4. The system has approximately 6 service connections and/or regularly serves an average of approximately 85 of the same individuals daily for at least 6 months 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 "non-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).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

### **VIOLATIONS**

7. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the system's water for total coliform bacteria during the third quarter of 2008, and, therefore, violated this requirement.
8. Respondent is required to monitor the system's water every three years for lead and copper and to collect at least five samples each time it monitors. 40 C.F.R. § 141.86(d). Respondent most recently monitored the system's water for lead and copper on June 2, 2009. However, the sampling was to be done between June 1, 2008 and September 30, 2008 for the 2006 – 2008 compliance period. Respondent failed to monitor the system's water for lead and copper during that period, and, therefore, violated this requirement.
9. Respondent is required to monitor the system's water for certain volatile organic contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the system's water for volatile organic contaminants during the 2008 – 2010 compliance period, sampling instead on June 20, 2011, and, therefore, violated this requirement.
10. Respondent is required to monitor the system's water for synthetic organic (pesticide / herbicide) contaminants at least once in every three-year compliance period including 2008 – 2010, and to report analytical results to EPA within the first 10 days following the month in which sample results were received. 40 C.F.R. §§ 141.24(h) and 141.31(a). Respondent properly monitored the system's water for pesticide/herbicide organic contaminants on August 11, 2009, but did not report the analytical results to EPA until July 1, 2011, and, therefore, violated the reporting requirement.
11. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations cited in paragraphs 7 and 8 above, and, therefore, violated this requirement. Public notice for the violations listed in paragraphs 9 and 10 is not yet overdue.
12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40



C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with 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). Respondent failed to report the violations cited in paragraphs 8 through 11, 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):

14. Respondent shall monitor the system's water quarterly for total coliform bacteria and, in the event of any result that is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

15. Between June 1, 2012, and September 30, 2012, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent 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.

16. Respondent shall monitor the system's water for volatile organic contaminants per the regulations. Respondent is next required to sample for volatile organic contaminants during the 2012 - 2014 period. 40 C.F.R. § 141.24(f)(6).

17. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent 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 State, whichever is earlier. 40 C.F.R. § 141.31(a).





18. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 10, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

19. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the drinking water regulations, Respondent shall report within that different period.

20. 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**

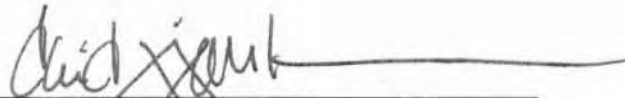
21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.



Mountain Cement Company, Respondent  
Mountain Cement Company Water System  
Page 5 of 5

22. 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: August 5, 2011.



David Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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





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AUG 05 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Albany County Commissioners  
c/o Tim Sullivan, Chairman  
525 Grand Ave, Suite 202  
Laramie, WY 82070

Re: Notice of Safe Drinking Water Act Enforcement  
Action against Mountain Cement Company  
PWS ID # WY5601327

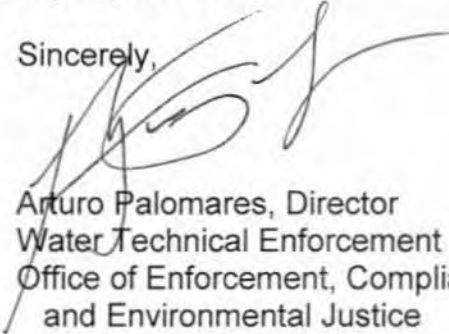
Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Mountain Cement Company, which owns and/or operates the Mountain Cement Company water system, located in Albany County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, failing to monitor for lead and copper, failing to monitor for volatile organic contaminants, failing to monitor for pesticides, failing to provide public notice for certain violations, and failing to report certain 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 this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,



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

Enclosure:  
Order