



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

JUL 28 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Matt Avery  
500 S. Gillette Avenue, Suite 1100  
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Bryan's Place  
PWS ID# 5601477

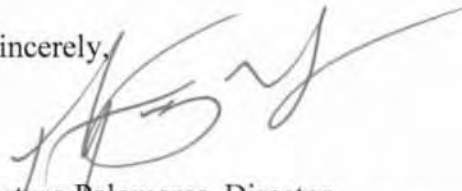
Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Bryan Pownall as the owner/operator of Bryan's Place in Rozet, Wyoming, directing him to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failure to correct significant deficiencies and failure to notify the public and EPA of the violation.

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 the 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 (Order)



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JUL 28 2011

Ref: 8ENF-W

SHERIFF DELIVERED

Bryan Pownall  
P.O. Box 75  
Rozet, WY 82727

Re: Administrative Order  
Bryan Pownall  
Bryan's Place Public Water System  
Docket No. **SDWA 08-2011-0055**  
PWS ID #5601477

Dear Mr. Pownall:

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 you have violated the National Primary Drinking Water Regulations (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 Order does not correctly state how many people and/or service connections your system serves, please let EPA know within 10 days; if EPA does not hear from you, EPA will assume this information is correct.

This is the second Order issued to you by EPA. The first Order is still in full force and effect.


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 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.

To submit information or request an informal conference with EPA, please 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 Amy Swanson, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6906, or at (303) 312-6906.

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  
Public notice template

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 JUL 28 AM 10:07

\_\_\_\_\_  
IN THE MATTER OF:            )  
  )  
Bryan Pownall,                )  
  )  
\_\_\_\_\_  
Respondent.                    )

Docket No. **SDWA-08-2011-0055**

ADMINISTRATIVE ORDER

FILED  
EPA REGION VIII  
REGISTRATION CLERK

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. Bryan Pownall (Respondent) is an individual who owns and/or operates Bryan's Place Water System (the system), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well. The water is not treated.
4. The system has approximately 4 service connections and/or regularly serves at least 25 individuals daily at least 60 days 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 "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).

VIOLATIONS

6. As a ground water system, Respondent is required to consult with EPA regarding the appropriate corrective action within 30 days of receiving written notice from EPA of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondent failed to consult with EPA by May 6, 2011, after receiving written notice of significant deficiencies on April 6, 2011, and, therefore, violated this requirement.
7. 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 violation cited in paragraph 6, above, within 30 days and, therefore, violated this requirement.
8. 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 6 and 7, 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):

9. Within 10 days after receipt of this Order, Respondent shall consult with EPA regarding appropriate corrective actions for addressing the following significant deficiencies AND submit a written corrective action plan and schedule to EPA. 40 C.F.R. § 141.403 (a).
  - a) Well #1 is improperly constructed. The casing must be extended a minimum of 18 inches above ground level or a sump pump installed to prevent any system leaks from filling the vault with water above the casing.
  - b) Lack of an Emergency Response Plan that outlines what action will be taken by whom during an emergency situation.
10. Within 30 days after receipt of this Order, Respondent shall complete the appropriate corrective actions identified in paragraph 9 above, as required by 40 C.F.R. § 141.403(a). The Wyoming Department of Environmental Quality (DEQ) has regulatory and permitting requirements that may need to be addressed prior to modifying the system.
11. Respondent shall notify EPA within 30 days after completion of the corrective actions, as required by 40 C.F.R. § 141.405(a)(2). Respondent shall provide evidence to EPA, including a copy of the Emergency Response Plan and photographs of the properly constructed well (or addition of a sump pump) and the following certification signed by a person of authority in the system, that the above corrective actions have been completed: "I certify under penalty of perjury that Bryan's Place has completed corrective actions to address significant deficiencies."
12. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 6 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.
13. 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, within that different period.
14. Respondent shall direct all reporting required by this Order to:

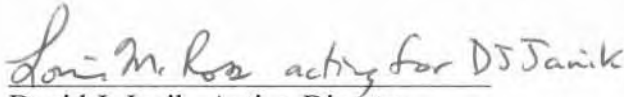
Tiffany Mifflin , 8P-W-DW  
U.S. EPA Region 8  
1595 Wynkoop  
Denver, CO 80202-1129


GENERAL PROVISIONS

15. 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.

16. 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: July 28, 20 11.

  
David J. 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

# DRINKING WATER NOTICE

## BRYAN'S PLACE Failed to Take Interim Steps Within the Required Time Frame Toward Correction of Significant Deficiencies

Our water system was required to consult with EPA within 30 days of receiving written notice of a significant deficiency. We failed to consult with EPA by May 6, 2011, after receiving written notice of significant deficiencies on April 6, 2011 to correct an improperly constructed well and submit an Emergency Response Plan.

### What This Means

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply.

*These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea and associated headaches.* These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**You may drink the water.** However, if you have specific health concerns, consult your doctor. If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

### Steps We Are Taking

We expect to have the significant deficiencies corrected by \_\_\_\_\_  
(insert date)

For more information, please contact Bryan of Bryan's Place at 307-682-4950.

*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.*

Notice posted from \_\_\_\_\_ to \_\_\_\_\_ (7 days)  
(date) (date)

Signature: \_\_\_\_\_

Send a copy of this notice to EPA when complete.

EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202