



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUN 23 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carl Pace, Owner
Cozy Mobile Home Park
1575 E. Monroe #72
Riverton, WY 82501

Re: Administrative Order
Cozy Mobile Home Park
Water System
Docket No. **SDWA-08-2010-0054**

Dear Mr. Pace:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that you, as owner and/or operator of the Cozy Mobile Home Park water system, 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 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, 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 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 (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet

cc:

Tina Artemis, EPA Regional Hearing Clerk
Mr. Ivan Posey, Chairman, Eastern Shoshone Tribe
Mr. Harvey Spoonhunter, Chairman, Northern Arapahoe Tribe
Don Aragon, Environmental Director, Wind River Environmental Quality
Commission

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JUN 23 AM 9:36

IN THE MATTER OF:)
)
 Carl Pace,)
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 Respondent.)

FILED
Docket No. SDWA-08-2010-0054
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. Carl Pace (Respondent) is an individual who owns and/or operates the Cozy Mobile Home Park Water System (the system), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
- 3. The system is supplied by a groundwater source consisting of two wells.
- 4. The system has approximately 72 service connections used by year-round residents and/or regularly serves an average of approximately 115 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. 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 monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2) Respondent failed to monitor the system's water for total coliform bacteria during May 2009 and, therefore, violated this requirement.
- 8. Respondent is required to monitor the system's water triennially for lead and copper and to collect at least five samples each time it monitors. 40 C.F.R. § 141.86(c) and (d). Respondent most recently monitored the system's water for lead and copper on

September 19, 2006, and the next sampling was to be done between June 1, 2009, and September 30, 2009. 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 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 that he has done so by October 1 of each year. 40 C.F.R. §§ 141.152-141.155. Respondent failed to prepare and deliver by July 1, 2008, an annual CCR for calendar year (CY) 2007 to the system's customers, delivering this instead on October 2, 2008. Respondent, therefore, violated this requirement.

10. Respondent is 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). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

11. Respondent is 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. Respondent failed to report the violations cited in paragraphs 8 and 9 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):

12. Respondent shall monitor the system's water for total coliform bacteria monthly, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a).

13. Between June 1, 2010 and September 30, 2010, 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.

14. Prior to July 1, 2010, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the system for CY 2009 and distribute the report to the system's customers and EPA. This CCR must include the required information regarding the May 2009 total coliform monitoring violation, and the lead and copper monitoring violation. By October 1, 2010, Respondent shall certify to EPA that the CCR has been distributed to the system's customers and that its information is correct and



consistent with monitoring data previously provided to EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.152-141.155.

15. Respondent shall report any violation of the total coliform monitoring requirements to EPA within ten days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

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

17. 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

18. 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.

19. 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: June 23, 2010

David Roche

Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

L Keen for

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

