



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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Ref: 8ENF-W

MAY 6 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan Pownell
Bryan's Place
1416 Highway 51
Rozet, WY 82727

Re: Administrative Order Violation #6
Docket No. SDWA-08-2010-0044
SDWA-08-2011-0055
PWS ID #5601477

Dear Mr. Pownell:

This is the sixth letter notifying you of noncompliance with administrative orders issued by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Specifically, you were served with an Administrative Order (Order) dated May 20, 2010, and a subsequent Order dated July 28, 2011.

Our records indicate that you (Respondent) continue to be in violation of the Orders. Among other things, the first Order includes the following requirements (summarized from items 10 and 11 on page 2 of the May 20, 2010, Order):

1. Respondent shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21. **Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received**, as required by 40 C.F.R. § 141.31(a). Respondent 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).

The EPA has not received total coliform analytical results for the 3rd (July-September) and 4th (October-December) quarters of 2012 and the 1st (January-March) quarter of 2013.

2. Respondent shall monitor the system's water at least annually for nitrate. 40 C.F.R. § 141.23. **Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received**, as required by 40 C.F.R. § 141.31(a). Respondent shall notify EPA within 48 hours of any violation of the nitrate monitoring requirements, as required by 40 C.F.R. § 141.31(b).

The EPA has not received nitrate analytical results for 2012.

Our records also indicate that you continue to be in violation of the July 28, 2011, Order. Among other things, the 2011 Order included the following requirements (summarized from items 9 and 10 on page 2 of the Order):

1. 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 the 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.
2. Within 30 days after receipt of this Order, Respondent shall complete the appropriate corrective actions identified in the paragraph above, as required by 40 C.F.R. § 141.403(a). The Wyoming Department of Environmental Quality has regulatory and permitting requirements that may need to be addressed prior to modifying the system.

The EPA first notified you of these violations in a letter dated November 22, 2011. The EPA still has not been consulted regarding corrective actions for addressing the significant deficiencies nor has the EPA been notified that the corrective actions have been completed.

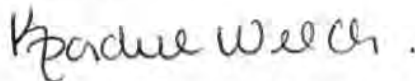
The EPA is considering additional enforcement action as a result of your non-compliance with both Orders. Violating an Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with the EPA, you may contact Kathelene Brainich at 1-800-227-8917, extension 6481 or (303) 312-6481. If you are represented by an attorney who has questions, ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 312-6906, or (303) 312-6906 or at the following address:

Amy Swanson, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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