



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

APR 23 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Natrona County Commissioners  
c/o Jon Campbell  
POB 863  
Casper, WY 82602

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Poison Spider Water Co.  
PWS ID # 5600073

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Poison Spider Water Co., Mills, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ at 141.21, 141.21(b), 141.21(b)(5), 141.153, 141.21(g)(2) and 141.31(b) for failure to monitor for total coliform, inadequate consumer confidence report, failure to provide public notice and failure to notify EPA of the violations.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Robert E. Creager, Registered Agent  
Poison Spider Water Co.  
c/o CPA Consulting Group PC  
300 Country Club Rd. #302  
Casper, WY 82609

Re: Administrative Order  
Docket No. SDWA-08-2007-0049  
PWS ID #5600073

Dear Mr. Creager:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the Poison Spider Water Co. ("PSW") is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ at 141.21, 141.21(b), 141.21(b)(5), 141.153, 141.21(g)(2) and 141.31(b) for failure to monitor for total coliform (routine, repeat and additional routine), inadequate consumer confidence report, failure to provide public notice and failure to notify EPA of the violations.

If PSW complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

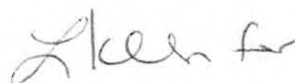
Enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to

Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to James Stearns, Enforcement Attorney, at the above 800 number, extension 6912, or at (303) 312-6912.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
SBREFA  
Funding Brochure

cc: Dave Creager, Poison Spider  
WY DEQ (via email)  
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 APR 23 PM 12:38

IN THE MATTER OF )

Poison Spider Water Co. )  
Mills, Wyoming )

Respondent )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0049

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Poison Spider Water Co. (Respondent) is a corporation under the laws of the State of Wyoming as of December 2, 1969, and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Poison Spider Water Co. Water System (the "System"), located in Natrona County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a sanitary survey conducted by an agent for EPA on August 23, 2005, the System is supplied by the Central Wyoming Regional Water Joint Powers Board, which is a surface water source, and serves approximately 100 persons per day through 36 service connections and is operational all year.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per month the system serves water to the public to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of June 2006, April and August 2005, and February 2003, in violation of 40 C.F.R. § 141.21.

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples within 24 hours for the total coliform positive routine samples in September 2006 (only one repeat sample taken), in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in October 2006 after a total coliform positive sample in the previous month, in violation of 40 C.F.R. § 141.21(b)(5).

IV.

1. 40 C.F.R §§ 141.152-155 requires community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1<sup>st</sup> each year.
2. 40 C.F.R § 141.153 requires the CCR to clearly identify any violations and, dependent upon the violation type, to include the potential adverse health effects and actions taken by the system to address the violations.

3. Respondent failed to identify the April and August 2005 total coliform failure to monitor violations in its 2005 CCR, in violation of 40 C.F.R. § 141.153.

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any National Primary Drinking Water Regulation (NPDWR) violations, including violations of any maximum contaminant level, maximum residual disinfection level, treatment technique, monitoring requirements, and testing procedures in 40 C.F.R. part 141.
2. Respondent has not provided public notice of the 2005 violations detailed in the preceding Sections I and IV, in violation of 40 C.F.R. § 141.201. Public notice is not yet past due for the 2006 violations.

VI.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I through III above, in violation of 40 C.F.R. § 141.21(g)(2).

VII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections IV and V above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring to determine compliance with the MCL as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. 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. § 141.31(a).



3. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. 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. § 141.31(a).
4. Upon the effective date of this Order, Respondent shall prepare its annual CCR in compliance with 40 C.F.R. §§ 141.152-141.155, including the identification of all violations incurred for the reporting year, as required by 40 C.F.R. § 141.153. Additionally, for the 2007 CCR Respondent shall identify both the 2005 and 2006 violations in Sections I through IV above.
5. Within 30 days of the effective date of this Order, Respondent shall provide a notice to the public of the 2005 violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the

violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days.

Respondent may use the CCR to provide public notice as long as (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) The CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondent shall comply with the public notice requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation.

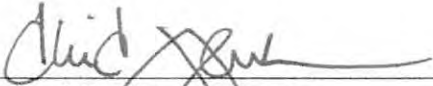
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
7. Except where a different reporting period is specified in paragraph 6 above, upon the effective date of this Order Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
8. Reporting requirements specified in this Order shall be provided by certified mail to:

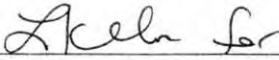
Drinking Water Unit  
U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, Colorado 80202-1129

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the Act or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 23<sup>rd</sup> day of April, 2007.

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

  
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Diane Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice