



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUN 15 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Uinta County Commissioners  
c/o Craig Welling, Chairman  
P.O. Box 2427  
Evanston, WY 82931

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Evanston Lodge No. 2588 Water System  
PWS ID#5601147

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (the Act), 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 Act.

An Administrative Order is being issued under Section 1414 of the Act to Evanston Lodge No. 2588, Benevolent and Protective Order of Elks of the USA (Evanston Lodge) water system located in Evanston, Wyoming. This Order requires that the public water system take measures to return to compliance with the Act and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 Code of Federal Regulations (C.F.R.) §§ 141.23(d) and 141.31(b) for failure to monitor for nitrate and failure to notify EPA of the violations.

On January 14, 2004, EPA issued an Administrative Order (Docket No. SDWA 08-2004-0011) to Evanston Lodge. For your information, Evanston Lodge is still required to comply with the January 14, 2004 Administrative Order.

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 Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure  
Administrative Order



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUN 15 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Jack Vreeland, Registered Agent  
Evanston Lodge No. 2588,  
Benevolent and Protective Order of  
Elks of the USA  
116 10<sup>th</sup> Street  
Evanston, WY 82930

Re: Administrative Order  
Docket No. **SDWA-08-2007-0061**  
Evanston Lodge No. 2588 Water System  
PWS ID #WY5601147

Dear Mr. Vreeland:

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 (the Act), 42 U.S.C. Section 300f, *et seq.*, and its implementing regulations. Among other things, the Order finds that Evanston Lodge No. 2588, Benevolent and Protective Order of Elks of the USA (Evanston Lodge) Water System (the System) is a supplier of water as defined by the Act and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 Code of Federal Regulations (C.F.R.) §§ 141.23(d) and 141.31(b) for failure to monitor for nitrate and failure to notify EPA of the violations.

If the Evanston Lodge No. 2588, Benevolent and Protective Order of Elks of the USA water system complies with the enclosed Order for a period of at time, 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.

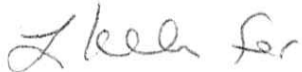
On January 14, 2004, EPA issued an Administrative Order (Docket No. SDWA-08-2004-0011) to Evanston Lodge. Please be advised that Evanston Lodge is still required to comply with the January 14, 2004 Administrative Order.

The NPDWRs require the Evanston Lodge to provide a public notification of violations of the Act. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of public notice, please do not hesitate to contact Kimberly Pardue Welch of EPA, whose telephone number is provided below.

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 may be sent to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you wish to have an informal conference with EPA, you may also call or write Ms. Pardue Welch. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312- 6921.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Administrative Order  
Public Notice template  
SBREFA fact sheet

cc: Preston Nelson, President, Evanston Elks Lodge No. 2588  
Lynn Nelson, Manager, Evanston Elks Lodge, No. 2588  
WY DEQ (via email)  
WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 JUN 15 AM 9:18

IN THE MATTER OF )  
 )  
Evanston Lodge No. 2588, )  
Benevolent and Protective Order of )  
Elks of the USA )  
Evanston, WY )  
Respondent )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0061**

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. Evanston Lodge No. 2588, Benevolent and Protective Order of the Elks of the United States of America (Respondent) is a corporation under the laws of the State of Wyoming as of December 1979 and therefore is a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Evanston Lodge No. 2588 Water System (the System), located in Unita County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a

"public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f (4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates the System and therefore is 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 June 5, 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The System serves approximately 25 persons per day through 1 service connection and is in operation year-round.

#### FINDINGS OF VIOLATION

##### I

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62(b).
2. Respondent failed to monitor for nitrate in 2004 and 2006, in violation of 40 C.F.R. § 141.23(d).

II

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section I 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. Within 30 days of the effective date of this Order and annually thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). 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).
2. 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 National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
3. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 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)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(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 15<sup>th</sup> day of June, 2007.



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



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

