



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

JUN 16 2009

Ref: 8ENF-W

**CERTIFIED MAIL LETTER**  
**RETURN RECEIPT REQUESTED**

CT Corporation System, Registered Agent  
for Farson LLC  
c/o John Eberle  
2 W Dry Creek Circle Ste 200  
Littleton, CO 80120

Re: Administrative Order  
Farson MHC Public Water System  
Docket No. **SDWA-08-2009-0048**  
PWS ID # WY5600112

Dear Mr. Eberle:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f et seq. Among other things, the Order describes how Farson LLC, owner of the Farson MHC public water system, has violated the National Primary Drinking Water Regulations.

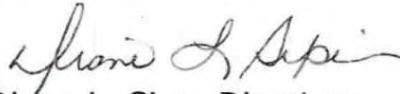
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Farson LLC complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983, or (303) 312-6983. For legal questions, the attorney assigned to this matter is

Amy Swanson, 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,



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

Enclosures

Administrative Order  
Small Business Regulatory Enforcement Fairness Act (SBREFA) Office  
of Enforcement and Compliance Assurance Information Sheet  
Monitoring and Reporting Requirements for 2009

cc:

WY DEQ/DOH (via email)  
Craig Thompson, Operator  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)





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Ref: 8ENF-W

JUN 16 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners  
c/o Debby Dellai-Boese, Chair  
80 West Flaming Gorge Way  
Green River, WY 82935

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Farson MHC Public Water System  
PWS ID #WY5600112

Dear County Commissioners:

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

An Administrative Order is being issued to Farson LLC for violations at the Farson MHC public water system (the system) located in Sweetwater County, Wyoming. This Order requires that Farson LLC take measures to return its system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform, failure to monitor for lead and copper and failing to report such violations to EPA.

For more details, 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  
Water Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosure  
Administrative Order





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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IN THE MATTER OF )  
 )  
Farson, LLC )  
Farson MHC )  
Farson, WY, )  
 )  
 )  
 )  
Respondent. )

Docket No. SDWA-08-2009-0048

ADMINISTRATIVE ORDER

2009 JUN 16 PM 1:40  
EPA REGION VIII  
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. §300f et seq.), as properly delegated to the undersigned officials.

2. Farson LLC (Respondent) is a limited liability company that owns and/or operates the Farson MHC public water system (the system) in Sweetwater County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves an average of approximately 80 people per day year-round through 68 service connections. The system is a "community" water system as defined in 40 C.F.R. §141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141.

**VIOLATIONS**

3. Respondent is required to monitor the system's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during April 2007 and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water every three years to determine compliance with the action levels for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). The system most recently collected a complete set of samples for lead and copper on December 14, 2005, and the next sampling event was due between June 1 and September 30, 2008. Respondent collected only 1 sample for lead and copper on

July 1, 2008 instead of the required 5 samples and, therefore, violated this requirement.

5. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after learning of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 3 above and, therefore, violated this requirement.

6. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the drinking water regulations) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 4 above to EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions upon receipt of this Order:

7. Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Any violation of the total coliform monitoring requirements shall be reported to EPA within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2). Respondent shall report analytical results to EPA within the first 10 days following the month in which samples results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

8. Between June 1 and September 30, 2009, Respondent shall monitor for lead and copper. Respondent shall collect 5 samples during the sampling event. Respondent shall monitor for lead and copper per the regulations thereafter. 40 C.F.R. §§ 141.86(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 the drinking water regulations. 40 C.F.R. § 141.90.

9. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2).

10. Respondent shall report any other violation of the drinking water regulations to EPA within 48 hours of discovery. 40 C.F.R. § 141.31(b).



11. 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**

12. 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.

13. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 16<sup>th</sup> day of June, 2009.

David Rochlin

David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

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

# Monitoring and Reporting Requirements for the Calendar Year 2009

January 23, 2009

FARSON MHC

PWS ID#: WY5600112 (C/GW)

The requirements presented here are based on the information we have, which might not be completely accurate. We advise you to compare this information with data from your own files, and possibly contact the appropriate rule manager.

<b>Total Coliform (TCR)</b>	You must take one sample each month in 2009, at sites which are representative of water throughout the distribution system according to your site sampling plan.
<b>Nitrate (NO3)</b>	Between January 1, 2009 and December 31, 2009, take one sample for nitrate analysis at each Entry Point (Sample Point) to the distribution system.
<b>Inorganic Chemicals (IOC)</b>	Between January 1, 2011, and December 31, 2013, take one sample for IOC analysis at each sample point indicated on your system schematic.
<b>Volatile Organic Chemicals (VOC)</b>	You do not need to sample for VOC this year. Your next VOC monitoring will be in the period 2011 to 2013.
<b>Synthetic Organic Chemicals (SOC)</b>	Between January 1, 2008, and December 31, 2010, take one sample for SOC analysis at each Entry Point to the distribution system. This also appears as a Sample Point on your system schematic.
<b>Lead and Copper</b>	Our records indicate that you failed to monitor for lead and copper in 2008. Your system is currently in violation. In order to return to compliance you must sample between June 1, 2009 and September 30, 2009.
<b>Radionuclides</b>	Radionuclides need to be sampled from each entry point to the distribution system in 2011.
<b>Consumer Confidence Report (CCR)</b>	Community systems must complete, distribute, and send a copy of their 2008 Consumer Confidence Report (CCR) to EPA Region 8 by July 1, 2009. They must send a signed certification regarding the content and distribution of the CCR to EPA Region 8 by October 1, 2009. Wholesalers must provide sample results and violation data to each of their community purchasers by April 1, 2009 for incorporation into the purchaser's report. More information is available at <a href="http://www.epa.gov/region8/waterops/reporting/ccr.html">http://www.epa.gov/region8/waterops/reporting/ccr.html</a> .