



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**AUG 18 2011**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donald and Betty Roberts  
Roberts Trailer Court  
P.O. Box 186  
Hulett, WY 82720

Re: Administrative Order  
Roberts Trailer Court  
Public Water System  
Docket No. **SDWA-08-2011-0059**  
PWS ID #WY5600377

Dear Mr. and Mrs. Roberts:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that you have violated the National Primary Drinking Water Regulations (the 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 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. Any questions from the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Order  
SBREFA Information Sheet  
Public notice template

cc:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 AUG 18 PM 1:27

IN THE MATTER OF: )  
 )  
Donald and Betty Roberts, )  
 )  
Respondents. )

Docket No. **SDWA-08-2011-0059**

ADMINISTRATIVE ORDER

FILED  
EPA REGION VIII  
HEARINGS CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. Donald and Betty Roberts are individuals who own and/or operate the Roberts Trailer Park Water System (the system), which provides piped water to the public in Crook County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one artesian well. The water is not treated.

4. The system has approximately 32 service connections used by year-round residents and/or regularly serves at least 40 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. Respondents are 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 Respondents annual notifications of the specific monitoring requirements that apply to the system.

**VIOLATIONS**

7. Respondents are required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement.

8. Respondents are required to monitor the system's water for synthetic organic (pesticide/herbicide) contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondents failed to monitor the system's water for pesticide/herbicide organic contaminants during 2008 - 2010 and,

therefore, violated this requirement. Respondents monitored the system's water for pesticides/herbicides on April 22, 2011.

9. Respondents are required to monitor the system's water for certain inorganic contaminants (IOCs) at least once every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondents failed to monitor the system's water for inorganic contaminants during 2008 - 2010 and, therefore, violated this requirement. Respondents monitored the system's water for Fluoride, one of the 14 IOC constituents, on April 22, 2011.

10. Respondents are required to monitor the system's water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondents failed to monitor the system's water for volatile organic contaminants during 2008 - 2010, and, therefore, violated this requirement.

11. Respondents are required to monitor the system's water triennially for lead and copper and to collect at least 5 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondents most recently monitored the system's water for lead and copper on September 26, 2007, and the next sampling was to be done between June 1, 2010, and September 30, 2010. Respondents failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement.

12. Respondents are required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondents failed to monitor the system's water for total coliform bacteria during the month of March 2007 and, therefore, violated this requirement.

13. If the system has one or more sampling results that are positive for total coliform, Respondents are required to collect at least 5 routine samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system's water tested positive for total coliform on September 5, 2007, Respondents failed to take at least 5 routine samples of the system's water in October 2007 and, therefore, violated this requirement.

14. Respondents are required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 et seq. Respondents did not notify the public of the violations cited in paragraph 13, above, and, therefore, violated this requirement. Public notice for the violations cited in paragraphs 7

through 11 is not yet overdue. Public notice for the violation cited in paragraph 12 was completed on April 30, 2007.

15. Respondents are required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations listed in paragraphs 12 and 13, above, to EPA and, therefore, violated this requirement.

16. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify different reporting period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations listed in paragraphs 7 through 11 and 14, above, to EPA and, therefore, violated this requirement.

#### ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

17. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23.

18. Respondents shall monitor the system's water for synthetic organic contaminants (pesticides/herbicides) per the regulations. 40 C.F.R. § 141.24(h). Respondents are next required to sample for synthetic organic contaminants during the 2014 - 2016 monitoring period.

19. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for inorganic contaminants. 40 C.F.R. § 141.23(a) and (c).

20. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for volatile organic contaminants. 40 C.F.R. § 141.24(f).

21. Before September 30, 2011, Respondents 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). Respondents 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.

22. Respondents shall monitor the system's water monthly for total coliform bacteria, as required by 40 C.F.R. § 141.21.

23. If any routine sample for the system is positive for total coliform, Respondents shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21.

24. Within 30 days of receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7 through 11 and 13, above, as required by 40 C.F.R. 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondents shall submit a copy of the notice to EPA.

25. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondents shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by EPA, whichever is earlier. 40 C.F.R. § 141.31(a).

26. Respondents shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

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

28. Respondents shall direct all reporting required by this Order to:

U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

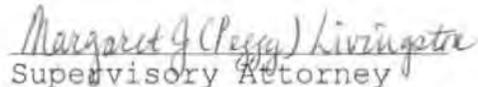
29. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water

Donald and Betty Roberts  
Roberts Trailer Park  
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regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

30. Violation of any part of this Order or the drinking water regulations may subject Respondents 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: August 18<sup>th</sup>, 2011.

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

  
Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

# TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

**Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).**

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

## Templates

Monitoring Violations Annual Notice–Template 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

**After Issuing the Notice**

**Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch  
US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for Roberts Trailer Court

Our water system violated several drinking water standards over the past few years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis and conduct additional sampling when monitoring indicates the presence of total coliform in the water. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to monitor for nitrate, synthetic organic contaminants, inorganic contaminants and volatile organic contaminant, and total coliform and therefore cannot be sure of the quality of our drinking water during that time.

#### What should I do?

**There is nothing you need to do at this time.**

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Failure to monitor for Total coliform	Monthly	March 2007	April 2007 and as required thereafter
Failure to monitor for total coliform	Five samples in the month following a positive sample	October 2007	
Failure to monitor nitrate	1 sample annually	2010	
Failure to monitor for lead and copper	5 samples triennially	2010	
Failure to monitor synthetic organic contaminants	Triennially	2008 - 2010	4/22/11
Failure to monitor inorganic contaminants	Triennially	2008-2010	
Failure to monitor volatile organic contaminants	Triennially	2008-2010	

**What happened? What is being done?**

For more information, please contact [name and number of contact person] \_\_\_\_\_ or  
[Address] \_\_\_\_\_

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by **Roberts Trailer Court**  
State Water System ID#: **WY5600377**

Date distributed or dates posted: \_\_\_\_\_