



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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November 5, 2021

3:11 PM

Received by
EPA Region VIII
Hearing Clerk

November 5, 2021

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Casey Ericson, Director
Kennington Springs Pipeline, Inc.
Kennington Springs Pipeline Public Water System
bittercreekrd@yahoo.com

Re: Violation of Kennington Springs Pipeline, Inc. Administrative Order,
Docket No. SDWA-08-2021-0014, Kennington Springs Pipeline Public Water System,
PWS ID WY5601199

Dear Mr. Ericson:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties. Specifically, on March 8, 2021, the EPA issued the above-referenced Administrative Order (Order), directing Kennington Springs Pipeline, Inc., (Respondent) which is the Respondent in this matter, to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that (Respondent) is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 13 and 16 on pages 2 and 3 of the Order), which have not been fulfilled:

- Within **30** calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct any open significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions. The EPA will review the proposed schedule and the approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Action:

- The collection box at Gravity Tank ST01 must have a vent that is separate from the overflow. **Not completed.**

- Collection box must be inspected, and the structure must be compared to the Tech Tips for Finished Water Storage Facilities. **Not completed.**
- Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 6, above, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-formsdrinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). The public water system must include with this certification a representative copy of the type of notice distributed, published, posted, and made available to the persons served by the system and to the media. **Not completed.** Note that there was a typo on the Order and the referenced paragraph above should be in reference to the violation cited in paragraph 7 as stated below:

7. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a sanitary survey report from the EPA on December 22, 2017, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by July 4, 2018; later extended to November 29, 2019. Respondent failed to complete all corrective actions by November 29, 2019 and failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement.

These violations of the EPA's Order may lead to (1) a penalty of up to \$59,017 (as adjusted for inflation) per day per violation of the Order (2) a court injunction ordering compliance, or both.

The EPA may choose not to file a complaint seeking civil penalties if Respondent does not incur any additional violations and if you provide the EPA with notice of completed corrective actions regarding the above-referenced violations within 30 calendar days.

For assistance with actions necessary to come into compliance, please contact Christina Carballal at (303) 312-6046 or (800) 227-8917 extension 312-6046. If Respondent is represented by an attorney, please ask the attorney to direct any questions or comments to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (303) 312-6554.

We urge your prompt attention to this matter.

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc:

Lincoln County Commissioners (rking@lcwy.org)
Ernie Eaton, Alternate Operator (veratxrnie@yahoo.com)
Melissa Haniewicz, EPA Regional Hearing Clerk