



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2014 JUN -4 AM 9:08

JUN 04 2014

EPA HEATON VILL
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cindy F. Buckendorf, Registered Agent
Eden Saloon, Inc.
3629 N. US Hwy 191
Eden, WY 82932

Re: Administrative Order Violation #3, Eden Saloon Water System, PWS ID #WY5600111
Docket No. SDWA-08-2012-0023

Dear Ms. Buckendorf:

On May 10, 2012, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order) ordering Eden Saloon, Inc. (Eden), as owner and/or operator of the Eden Saloon public water system, to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. part 141.

Our records indicate that Eden is again in violation of the Order. Among other things, the Order included the following requirements (from items 20, 21, 26, and 27 on pages 3 and 4 of the Order) in which Eden is named as Respondent:

1. If any total coliform routine sample for the System is positive for total coliform, Respondent shall collect a set of four repeat samples within 24 hours of being notified of the positive result and collect at least five 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.

The EPA did not received five total coliform routine samples in January 2014 after a total coliform positive routine sample from the System's water the previous month.

2. Respondent shall conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator (*E. coli*) as required by 40 C.F.R. § 141.402.

The EPA did not receive results of fecal indicator analysis for any source samples taken after the routine total coliform positive sample on December 2, 2013. A source sample was taken on February 24, 2014.

3. Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

Respondent did not report the total coliform monitoring violation cited above to the EPA.

4. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

Respondent did not report the source water monitoring violation cited above to the EPA.

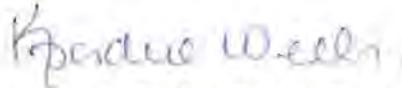
The EPA is considering additional enforcement action as a result of Eden's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481. If Eden is represented by an attorney who has questions, please ask the attorney to direct any legal questions to Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913, or at the following address:

Marc Weiner, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure (Tech Tip)

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



EPA Region 8 Drinking Water Unit Tech Tips for WY & Tribal Systems
With special thanks to the Washington State Department of Health's Office of Drinking Water
Follow-up to an Unsafe/Total Coliform Positive Sample
With Ground Water Rule Requirements Included

What is an unsafe or total coliform positive sample?

A water sample result is unsafe or total coliform positive if coliform bacteria are present. Coliforms are bacteria that are generally not harmful and are naturally present in the environment. They are used as an indicator that other, potentially harmful, bacteria are present. The presence of coliform bacteria in tap water suggests that there could be a problem with existing equipment, treatment systems or a breach in the distribution system which could introduce contamination.

What action must be taken?

When a water system receives an unsafe or total coliform positive sample result, the owner or operator must collect a set of repeat samples for the Total Coliform Rule within 24 hours in the distribution system; additionally, all ground water sources must be sampled for the Ground Water Rule. The purposes of the Total Coliform Rule repeat and Ground Water Rule source water samples are to confirm the presence of coliform bacteria in the system and to determine if the ground water source is contaminated.

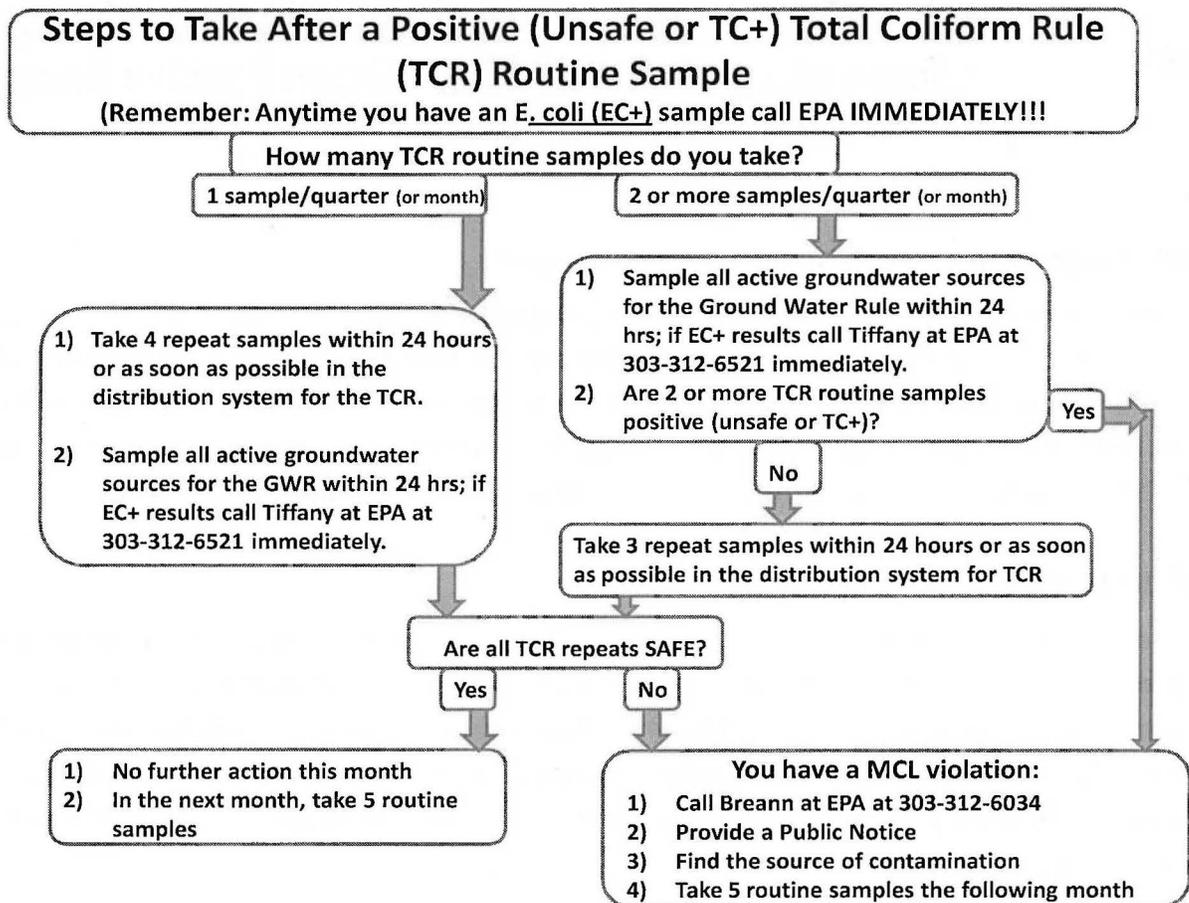
Follow these 5 steps after a positive Total Coliform Rule routine sample:

- 1) **Do not shock chlorinate** the system before collecting repeat samples unless you have prior approval from EPA Region 8.
- 2) **Review your sampling procedures to ensure you are sampling properly**

Avoid: Sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection.

Do: Take your time; sanitize the sample tap and your hands; flush the tap for 5 minutes before taking the sample; and minimize the time the sample bottle is opened—open the bottle immediately prior to gathering your sample and replace the lid as soon as the sample is collected. Keep in mind that improper sampling can result in a TC positive sample that can lead to costly follow-up sampling.

3) Follow the flowchart below to take your required TCR and GWR samples:



4) Additional instructions are below to meet the requirements of the Ground Water Rule (if you are a ground water system):

Within 24 hours of being notified of a total coliform positive routine sample under the Total Coliform Rule, you must sample all ground water sources prior to treatment that were in use at the time of the original TC+ for presence of *E. coli*. Utilize the Ground Water Rule (GWR) sampling form found at the following website: <http://www2.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#gwr> or call EPA to obtain the form. Label the sampling location as 'Source', include the location if there are multiple ground water sources (e.g. Source-Well #2) and mark the sample as 'Routine'. Fax a copy of the GWR lab analytical results to the attention of the GWR Manager at 1-877-876-9101. If the result is *E. coli* positive call EPA immediately at 1-800-227-8917.

5) Thoroughly inspect the water system

Coliform bacteria in a water system are generally either a result of a failure to maintain a “closed” system and/or equipment failure. Visually inspect the system including wells, tanks, chlorinator, etc. Look for areas where soil, leaves, insects, animals, sewage or animal wastes could get into your system. You can go to the following website and click on the Technical Tips for more information: <http://www2.epa.gov/region8-waterops/system-and-operational-improvements-sanitary-surveys>. Discuss any major repairs to your system with Wyoming DEQ prior to beginning construction if your public water system is located in the state of Wyoming.