



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

2013 APR 12 AM 10: 25

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

APR 12 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Milward Simpson, Director
Wyoming Department of State Parks
and Cultural Resources
2301 Central Avenue
Cheyenne, WY 82002

Re: Administrative Order
Wyoming Department of State Parks and
Cultural Resources – Fort Phil Kearney
State Historical Site Public Water System
Docket No. **SDWA-08-2013-0015**
PWS ID #WY5600672

Dear Mr. Simpson:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Wyoming Department of State Parks and Cultural Resources, as owner and/or operator of the Fort Phil Kearney State Historical Site Public Water System (the System) has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any relevant information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.):

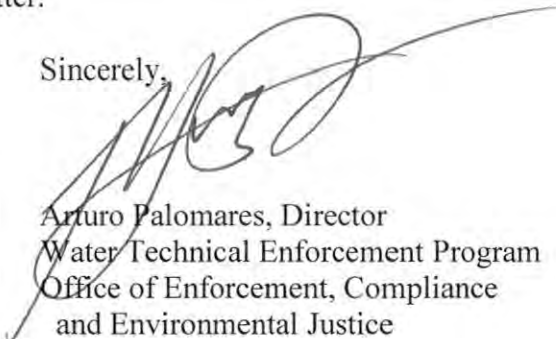
If the Wyoming Department of State Parks and Cultural Resources complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from your attorney(s) should be directed to

Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

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
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Mike Allen, Wyoming Department of State Parks and Cultural Resources (email)
Misty Stoll, Superintendent, Fort Phil Kearney State Historical Site (email)



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Ref: 8ENF-W

APR 12 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Johnson County Commissioners
c/o Delbert Eitel, Chairman
76 N Main Street
Buffalo, WY 82834

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Fort Phil Kearney State
Historical Site Public Water System
PWS ID # WY5600672

Dear Commissioners:

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

The EPA is issuing an Administrative Order (Order) to the Wyoming Department of State Parks and Cultural Resources, which owns the Fort Phil Kearney State Historical Site Public Water System, located in Johnson County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria and failing to report certain violations to the EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares".

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

Enclosure:
Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 APR 12 AM 10: 25

IN THE MATTER OF: _____)

Wyoming Department of State Parks and
Cultural Resources)

Respondent. _____)

Docket No. **SDWA-08-2013-0015**

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ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Wyoming Department of State Parks and Cultural Resources (Respondent) is a Wyoming State Agency that owns and/or operates the Fort Phil Kearney State Historic Site Public Water System (the System), which provides piped water to the public in Johnson County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The water is chlorinated.
4. The System has approximately 3 service connections and/or regularly serves an average of approximately 200 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" and a "transient, non-community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is 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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System's water during the 2nd (April – June), 3rd (July – September) and 4th (October – December) quarters for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the 2nd and 4th quarters of 2012 and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations cited in paragraph 7, above, to EPA and, therefore, violated this requirement.

ORDER

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

9. Respondent shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). 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).

10. Respondent shall direct all reporting required by this Order to:

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

GENERAL PROVISIONS

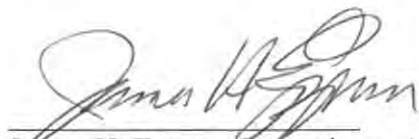
11. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.



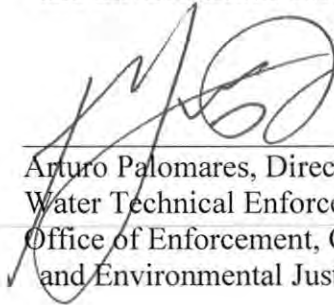
12. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

13. Respondent may seek federal judicial review of the Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

Issued: April 12, 2013.



James H. Eppers, 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

