



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tami White, President and Registered Agent
Kennington Springs Pipeline, Inc.
P.O. Box 1284
Afton, WY 83110

Re: Administrative Order Violation #4
Docket No. SDWA-08-2011-0030
PWS ID #WY5601199

Dear Ms. White:

On March 8, 2011, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order) to Kennington Springs Pipeline, Inc. (Kennington), pursuant to section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). The Order made findings that Kennington, in the course of owning and/or operating a public water system in Lincoln County, Wyoming, had violated various National Primary Drinking Water Regulations at 40 C.F.R. part 141.

One such violation was exceeding the maximum contaminant level (MCL) for total coliform bacteria established by 40 C.F.R. § 141.63. Paragraph 13 of the Order directed Kennington, no later than 30 days after learning of a subsequent total coliform MCL violation, to submit a plan for coming into compliance with that MCL. In June of 2011, Kennington again exceeded the total coliform MCL, thus triggering the requirement to submit a compliance plan within 30 days. Kennington failed to do so. The EPA, therefore, issued an administrative penalty complaint to Kennington on December 20, 2011, citing this and various other violations of the Order. Kennington then entered into a Consent Agreement under which it agreed to pay an administrative penalty of \$1,200 for the violations cited in the complaint. The Consent Agreement was approved by a Final Order issued on June 5, 2012, by the Regional Judicial Officer for EPA Region 8. On June 12, 2012, the EPA issued a letter approving a compliance plan and schedule for Kennington to come into compliance with the total coliform MCL.

The EPA's records indicate that Kennington has continued to violate the total coliform MCL and the Order. Kennington exceeded the total coliform MCL in August and September of 2012. Therefore, the EPA is hereby directing Kennington to submit a revised plan and schedule for coming into compliance with the total coliform MCL. **The revised plan and schedule must be submitted within ten days of your receipt of this letter.**

In addition, Paragraph 17 of the Order directed Kennington, in the event of receiving any notification of a positive coliform sample, collect at least one water sample for fecal indicator analysis, as required by 40 C.F.R. § 141.402(a) and (c). However, the EPA has not received results of fecal indicator analysis for any source samples taken after the routine total coliform positive samples in August and September 2012. **A source sample must be collected and analyzed for fecal indicators (e.g. E-coli) immediately. The results must be submitted to the EPA within ten days of your receipt of this letter.**

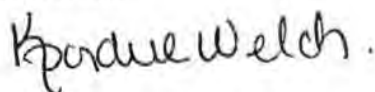
Paragraph 19 of the Order directed Kennington to notify the public of the violations cited in the Order no later than 30 days after receiving the Order and to provide the EPA a copy of the public notice within 10 days after providing it to the public. The EPA has not received a copy of any public notice for the August and September 2012 total coliform MCL violations. **Public notice for these violations must be accomplished immediately. No later than 10 days of your receipt of this letter, a copy of the public notice, with a signature and the date and method of the manner of providing the notice, must be submitted to the EPA.** A template is enclosed to assist you in accomplishing this task.

The EPA is considering additional enforcement action as a result of 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 administrative order, and/or (2) a court injunction ordering compliance.

If you have any questions you may contact Kathelene Brainich at (303) 312-6481. If you are represented by an attorney, please ask your attorney to contact Peggy Livingston, EPA Enforcement Attorney, at (303) 312-6858, or at the address on the letterhead above (with Mail Code 8ENF-L).

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

cc: WY DEQ and DOH (via email)
Ernie Eaton, Kennington Springs Operator
Tina Artemis, EPA Regional Hearing Clerk

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in [System] Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took [number] samples to test for the presence of coliform bacteria during [month]. [Number/percentage] of our samples showed the presence of total coliform bacteria. The standard is that no more than [1 sample per month/5 percent of samples] may do so.

What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or E. coli, are present. **We did not find any of these bacteria in our subsequent testing.**

What is being done?

[Describe corrective action.] Further testing shows that this problem has been resolved.

For more information, please contact [name of contact] at [phone number] or [mailing 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.

Date/s notice completed: _____

Signature _____

Instructions for Resolved Total Coliform MCL Notice – Template

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(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 (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following should help you complete the second paragraph of the template:

If You Take Less Than 40 Samples a Month: State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.

If You Take More Than 40 Samples a Month: State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

After Issuing the Notice

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