



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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DENVER, COLORADO 80202-1129

Phone 800-227-8917

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2012 MAR 19 PM 10:52

T. J. LEE
EPA REGION VIII
TRAINING CLERK

Ref: 8ENF-L

MAR 19 2012

CERTIFIED MAIL No. 7009 3410 0000 2597 6933
RETURN RECEIPT REQUESTED

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

Re: Complaint and Notice of
Opportunity for Hearing
Docket No. SDWA-08-2012-0007

Dear Ms. White:

On December 20, 2011, the U.S. Environmental Protection Agency (EPA) issued an administrative penalty complaint to Kennington Springs Pipeline, Inc. (Kennington) under section 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3. The complaint proposed that EPA assess a penalty of \$1,200, due to Kennington's failure to comply with two previously issued administrative orders.

The complaint and the accompanying cover letter explained a procedure for Kennington to file an answer to contest the penalty. The answer was to have been filed within 30 days of your receipt of the complaint. Although the return receipt card that accompanied the complaint indicated that you received it on December 28, 2011, the EPA has no record of having received an answer. Therefore, the EPA would be entitled to file a motion for default asking the Regional Judicial Officer to assess the entire \$1,200. However, this office will not file such a motion if Kennington files an answer within two weeks of your receipt of this letter. After that date, Kennington's continued failure to file an answer in compliance with the requirements set forth in 40 C.F.R. Part 22 may prompt the EPA to file a motion for default.

As outlined in the EPA's penalty complaint, the proposed penalty stems from violations of two administrative orders the EPA issued to Kennington. The first order was issued on March 25, 2010. The second order was issued on March 8, 2011. It was amended on August 5, 2011, to cite an additional violation.

On February 8, 2011, August 23, 2011, and November 17, 2011, the EPA notified Kennington in writing that Kennington had violated the two orders. The first letter cited violations of the requirements to monitor Kennington's drinking water for lead and copper and to notify the EPA of the failure to monitor. The second and third letters related to the requirement to submit a compliance plan within 30



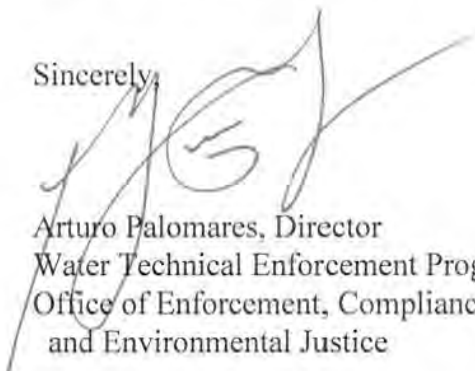
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days of any violation of the Maximum Contaminant Level (MCL) for total coliform bacteria. Although a total coliform MCL violation occurred on June 7, 2011, Kennington did not submit a compliance plan to the EPA within 30 days. The August 23rd letter notified Kennington that no plan had been submitted. The November 17th letter acknowledged receipt of a plan on September 9, 2011, but indicated that this plan was incomplete.

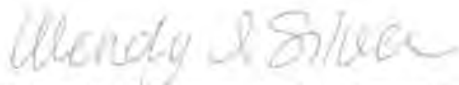
By letter dated December 29, 2011, which was the day after the return receipt card indicates you received the EPA's penalty complaint, Kennington's water operator, Ernie Eaton, requested an unspecified extension of time to assess the situation at Kennington's water system. Although Mr. Eaton's efforts are appreciated, there are continuing concerns about the quality of Kennington's water, and an extension does not appear to be warranted. The EPA would urge you to make all reasonable efforts to address the continuing violations.

Please be advised that Kennington is required to comply with all provisions of the orders. If you have any questions or comments, please contact Shawn McCaffrey, Environmental Protection Specialist, who can be reached at 800/227-8917 extension 6515. If Kennington is represented by an attorney in this matter, please ask the attorney to call Peggy Livingston, Enforcement Attorney, 800/227-8917 extension 6858.

Sincerely,



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

for 
Eduardo Quintana, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

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

