



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David and Linda Capps  
Linda Capps, Trustee  
Springler Family Trust and Leo Springler Revocable Trust  
4415 Wilson Way  
Gillette, Wyoming 82718

Frank Coy, Registered Agent  
Weston Engineering, Inc.  
1401 E. Hwy 16  
Upton, Wyoming 82730

Re: Administrative Order Violations, Lemaster Enterprises Water System, PWS ID #5601518  
Docket Nos. SDWA-08-2012-0022 and SDWA-08-2014-0016

Dear Mr. and Mrs. Capps and Mr. Coy:

On April 24, 2012, the EPA issued an Administrative Order (Order) to Linda Capps (Docket No. SDWA-08-2012-0022) and on June 16, 2014, another Order was issued to Linda and David Capps and Weston Engineering, Inc. (Docket No. SDWA-08-2014-0016), as owners and/or operators of the Lemaster Enterprises public water system, ordering your compliance 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 you are in violation of the Orders. Among other things, the 2012 Order included the following requirements (quoted from paragraph 12 on page 2 of the Order) in which Linda Capps is named as Respondent:

1. Respondent shall monitor the System's water monthly 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).

The EPA has received only 3 of the 4 total coliform repeat samples required after a total coliform positive result in August 2015 from the System's water. Respondent did not report the total coliform monitoring violation to the EPA.

Additionally, the 2014 Order included the following requirements (quoted from paragraphs 17 and 20 on page 3 of the Order) in which Linda and David Capps and Weston Engineering, Inc., are named as Respondents:

2. Within 24 hours of being notified that a routine total coliform monitoring result is positive, Respondents shall conduct source water monitoring as required by 40 C.F.R. § 141.402. If the sample is negative, Respondents shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondents shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondents shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.

The EPA has not received a source sample after a total coliform positive result in August 2015 from the System's water.

3. Respondents 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, Respondents shall report within that different period.

Respondents did not report the source water monitoring violation to the EPA. A source water sample must immediately be collected/analyzed and the results sent to the EPA.

The EPA is considering additional enforcement action as a result of the 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. **There is an outstanding penalty of \$2,000 (plus interest and administrative charges) in violation of the Final Order entered by the Regional Judicial Officer on July 25, 2013, regarding previous violations of the 2012 Order. This penalty has been referred to the Treasury Department for collection.**

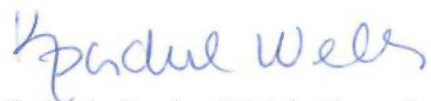
If you have any questions you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481. If any Respondent is represented by an attorney who has questions, please ask the attorney to direct any legal questions to Mia Bearley, Enforcement Attorney, at 1-800-227-8917, extension 6554 or (303) 312-6554, or at the following address:

Mia Bearley, 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

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



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