



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

2019 APR 25 PM 12:40

FILED  
EPA REGION VIII  
HEARING CLERK

APR 25 2019

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Lenny J. Kalway, Owner  
Line Shack Lodge  
4297 160<sup>th</sup> Street NW  
Hasty, Minnesota 55320

Re: Administrative Order issued to Lenny J. Kalway regarding Line Shack Lodge Public Water System, PWS ID # WY5601479, Docket No. **SDWA-08-2019-0017**

Dear Mr. Kalway:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 you, as owner and/or operator of the Line Shack Lodge Public Water System (System), have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, *etc.*). If the EPA does not hear from the you, the EPA will assume this information is correct.

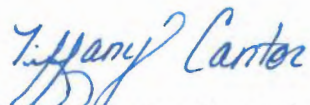
If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

If you have any questions or would like to request an informal conference with the EPA, please contact Steven Latino via email at [latino.steven@epa.gov](mailto:latino.steven@epa.gov), or by phone at (800) 227-8917, extension 6440, or (303) 312-6440. Any questions from your attorney, if you are represented by one, should be directed to Mia Bearley, Enforcement Attorney, via email at [Bearley.Mia@epa.gov](mailto: Bearley.Mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Tiffany Cantor". The signature is written in a cursive style with a large initial "T".

Tiffany Cantor, Supervisor  
SDWA Enforcement Unit  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

1. The Small Business Regulatory Enforcement and Fairness Act information sheet
2. Emergency Response Plan Template
3. Public Notification - Drinking Water Contaminant Failure To Monitor (FTM) Template
4. Ground Water Rule - Failure to Take Corrective Action - Public Notification Template
5. Revised Total Coliform Rule - Failure to Perform Seasonal Startup – Public Notification Template
6. Public Notification - Revised Total Coliform Rule Failure To Monitor Template

cc: WY DEQ/DOH (via email)  
Fremont County Commissioners (travis.becker@fremontcountywy.gov )  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Lenny J. Kalway, lenny@kalwaycoco.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

APR 25 PM 12:40

EPA REGION VIII

Docket No. SDWA-08-2019-0017

**ADMINISTRATIVE ORDER**

IN THE MATTER OF: )  
 )  
Lenny J. Kalway, Owner )  
Line Shack Lodge Public Water System )  
PWSS ID # WY5601479 )  
 )  
Respondent )

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Lenny J. Kalway (Respondent) is an individual who owns and/or operates the Line Shack Lodge Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is currently supplied by a groundwater source accessed via one well. The water is untreated. The System is operated seasonally from December to February and in the 2016-2017 season was open from October to March.
4. The System has approximately 19 service connections and/or regularly serves an average of approximately 50 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
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 annually for nitrate at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d)(4). Respondent failed to monitor the System’s water for nitrate during 2018 and, therefore, violated this requirement.
8. Respondent is required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. Prior to opening to the public each year, Respondent must send a signed certification of a completed start-up procedures checklist to the EPA. Respondent failed to complete seasonal start-up procedures and submit a certification of completion to the EPA prior to opening to the public in October 2016 and, therefore, violated these requirements. Respondent did complete seasonal start-up procedures

and submit a certification of completion to the EPA prior to opening to the public in December 2017.

9. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on August 18, 2017, which detailed significant deficiencies, and the EPA approved a schedule for the System to complete the corrective actions by February 18, 2018. Respondent failed to complete all corrective actions by February 18, 2018, and/or failed to notify the EPA of corrective action completion by March 20, 2018 and, therefore, violated this requirement.
10. Respondent was required to monitor the System's water monthly for total coliform bacteria from October 2016 through March 2017. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria in November 2016 and, therefore, violated this requirement.
11. Respondent is required to notify the public of certain violations of the Drinking Water Regulations and, within 10 days after completing public notice, provide a copy of the public notice to the EPA. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 8, 9 and 10, above and/or failed to submit a copy to the EPA, and, therefore, violated this requirement. The 2018 public notification for paragraph 7, failure to monitor for nitrate, is due by December 31, 2019.
12. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 10, above, to the EPA and, therefore, violated this requirement.
13. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8 and 9, above, to the 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 (unless a different deadline is specified below):

14. Respondent shall monitor the System's water at least annually for nitrate, in accordance with 40 C.F.R. § 141.23(a) and (d). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a). Respondent did sample for nitrate on January 14, 2019. The next nitrate sample will be due in 2020.
15. Prior to opening in 2019, and yearly thereafter, Respondent shall complete seasonal start-up procedures and send a certification of completion to the EPA prior to opening to the public, as required

by 40 C.F.R. §§ 141.854-861.

16. Within 30 days of receipt of this Order, Respondent shall complete the corrective action of the following significant deficiency and notify the EPA within 30 days after completion: Complete an Emergency Response Plan (ERP). Thereafter, Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2). Enclosed is an ERP form to fill out and return to the EPA to address this deficiency.

17. Respondent shall monitor the System's water monthly for total coliform bacteria from December through February each year or when the System is open, whichever period is longer. If any sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first 10 days following the end of the System's required monitoring period. See, 40 C.F.R. § 141.31(a).

18. Within 30 days after opening to the public in 2019, or by December 1, 2019, whichever occurs first, Respondent shall notify the public of the violations cited in paragraphs 8, 9 and 10, above. The public notice for the violation cited in paragraph 7 is due by December 31, 2019. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.

19. Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

20. 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.

21. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

22. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.

23. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [latino.steven@epa.gov](mailto:latino.steven@epa.gov)



**GENERAL PROVISIONS**

24. 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.

25. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$57,317 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g 3(g)(3)(A); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).

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

Issued: April 25th, 2019.

Margaret G. (Peggy) Livingston, for  
Amy Swanson, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Tiffany Cantor  
Tiffany Cantor, Supervisor  
SDWA Enforcement Unit  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



**Small Entity Compliance Guides**

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

**Regional Small Business Liaisons**

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

**State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

**State Small Business Environmental Assistance Programs (SBEAPs)**

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

**EPA's Tribal Portal**

[www.epa.gov/tribalportal](http://www.epa.gov/tribalportal)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

**EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

**EPA's Small Business Compliance Policy**

[www.epa.gov/enforcement/small-businesses-and-enforcement](http://www.epa.gov/enforcement/small-businesses-and-enforcement)

**EPA's Audit Policy**

[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

**Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

**Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*



**Emergency Response Plan for Transient Ground Water Systems**

All public water systems must have an Emergency Response Plan (ERP) that details emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. When a sanitary surveyor conducts a sanitary survey on your system they will ask if you have an ERP. Please fill this form out now, and keep it handy.

System Name: \_\_\_\_\_  
Public Water System (PWS) Number: WY56 \_\_\_\_\_  
Operator Name/Cell #: \_\_\_\_\_  
Back-up Operator Name/Cell #: \_\_\_\_\_  
Owner Name/Cell #: \_\_\_\_\_  
Population Served: \_\_\_\_\_ Number of Service Connections: \_\_\_\_\_  
Chemicals Used to Treat the Water: \_\_\_\_\_  
Name/# of Chemical Supplier: \_\_\_\_\_  
  
Life Threatening Emergency #: \_\_\_\_\_  
County Sheriff #: \_\_\_\_\_  
Critical/Vulnerable Customer Contact #s: \_\_\_\_\_

EPA Emergency Contact (Monday - Friday 9-4 pm Mountain Time) #: 1-800-227-8917  
EPA After Hours Emergency Contact #: 1-800-424-8802 (Inform the operator you are a drinking water system operator in EPA Region 8)

Wyoming Association of Rural Water Systems #: 307-436-8636  
WY DEQ District Engineer Name and #: \_\_\_\_\_  
Alternate Sources of Drinking Water \_\_\_\_\_  
Power Company #: \_\_\_\_\_ Electrician #: \_\_\_\_\_  
Plumber #: \_\_\_\_\_ Parts Supplier #: \_\_\_\_\_  
Wyoming Water Agency Response Network #: 307-235-7535 Website: www.wyowarn.org

**LOSS OF PRESSURE/WATER OUTAGE ACTION PLAN\*\*\***

**WATER CONTAMINATION ACTION PLAN\*\*\***

Shut-off valve location and instructions: \_\_\_\_\_

Location of spare or repair parts: \_\_\_\_\_

Please see the following website for more detailed information on Emergency Response for Drinking Water and Wastewater Utilities: <https://www.epa.gov/waterutilityresponse>  
**ALWAYS CALL THE EPA TOTAL COLIFORM RULE OR GROUND WATER RULE MANAGER IF YOU HAVE A TOTAL COLIFORM RULE (TCR) POSITIVE/UNSAFE SAMPLE AT 1-800-227-8917**

**\*\*\*Emergency preparedness assistance, Public Notices for Loss of Pressure, Boil Orders, Do Not Drink, etc., can be found at: <https://www.epa.gov/region8-waterops/emergency-preparedness-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>**

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring Requirements Not Met for \_\_\_\_\_ (Public Water System Name)

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. During \_\_\_\_\_, we did not monitor for \_\_\_\_\_,  
(compliance period) (contaminant(s))  
and therefore cannot be sure of the quality of your drinking water during that time.

### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken

### What happened? What is being done? (describe corrective action.)

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_  
(name of contact) (phone number)  
or \_\_\_\_\_ . Please share this information  
(mailing address)

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 hands or mail.

This notice is being sent to you by \_\_\_\_\_ . Public Water System ID#: \_\_\_\_\_  
(system)

Date distributed: \_\_\_\_\_ .

**ATTENTION: PWS Operator/Responsible Party**

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(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 of delivery (141.204(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 (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

**Corrective Actions**

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

**After Issuing the Notice**

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

PN RULE MANAGER  
 US EPA REGION 8  
 PUBLIC WATER SYSTEM PROGRAM - 8P-W-DW  
 1595 Wynkoop Street  
 DENVER CO 80202-1129

Or, you can fax a copy toll-free to **1-(877) 876-9101**.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued  
(PWS Operator/Responsible Party)

from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_

# Instructions for GWR Failure to Take Corrective Action Within Required Time

## Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

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

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 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 your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

### Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

### Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

### After Issuing the Notice

Send a copy to EPA Region 8 Drinking Water Unit (8WP-SDA), Attn: GWR Manager, 1595 Wynkoop Street, Denver, CO 80202 or email a copy of the PN and the certification to [R8DWU@epa.gov](mailto:R8DWU@epa.gov).

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

**GWR Failure to Take Corrective Action Within Required Time Frame  
Public Notice**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**\_\_\_\_\_ (PWS Name) Failed to Correct a Significant Deficiency  
Within Required Time Frame.**

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

A routine sanitary survey conducted on (provide survey date) \_\_\_\_\_ by the Environmental Protection Agency Region 8 (EPA) found (describe significant deficiency in our water system) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As required by EPA's Ground Water Rule, we were required to take action to correct this deficiency. However, we failed to take this action by the deadline established by EPA.

**What should I do?**

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. 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 within 24 hours.

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\** **These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.**

**What is being done?**

(Describe corrective action) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We anticipate resolving the problem within (estimated time frame) \_\_\_\_\_.  
For more information, please contact (name of system 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. You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by (system name) \_\_\_\_\_.

Public Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.



# PUBLIC NOTICE

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Failed to Complete Seasonal Start-Up Procedures

\_\_\_\_\_  
[Water System Name]

Before we open each year and serve water to the public we are required to complete certain start-up procedures to make sure the water we provide is safe to drink. This year we failed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[describe what you failed to do, for example, disinfect the water system or collect the required number of coliform bacteria samples]

before providing water. As our customers, you have a right to know what happened and what we are doing to correct this situation. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

#### What should I do?

- If you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare provider about drinking this water. You should also seek advice from your healthcare provider about using the water if you have an infant. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

#### What does this mean?

This is not an emergency, as we have completed the start-up procedures. If it had been, you would have been notified within 24 hours.

Failure to perform the required start-up procedures prior to serving water to the public has the potential to distribute contaminated water. When our system shuts down operation, the lack of pressure in our pipes can allow the entry of bacteria and other disease-causing microorganisms into the drinking water. By performing start-up procedures such as flushing the pipes, disinfecting the water, and collecting a coliform bacteria sample before we open, we can be sure that we are providing you with safe water.

#### What is being done?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Describe corrective action including when you returned to compliance or resolved the situation].

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. \**

This notice is being sent to you by \_\_\_\_\_

[water system name]

State Water System ID#: \_\_\_\_\_ Date distributed: \_\_\_\_\_

### **Description of Violation or Situation**

Beginning April 1, 2016, a seasonal non-community water system (NCWS) that fails to follow EPA-approved start-up procedures prior to serving water to the public after the system had been out of service has incurred a treatment technique (TT) violation. This violation requires Tier 2 public notification. Start-up procedures are approved by EPA and may include, but are not limited to, activities such as:

- Inspecting all water system components, including source(s), treatment components, distribution lines, and storage tanks and addressing any issues.
- Activating the source and thoroughly flushing water through all pipes in the water system.
- Draining and re-filling storage tanks.
- Chlorinating the water in the system and leaving the chlorinated water in the system for at least 24 hours before flushing the water to waste.
- Collecting water samples at key locations within the system and ensuring the water system is not contaminated by bacteria.

You must provide public notice to persons served as soon as practical but no later than 30 days after you learn of the violation [40 CFR 141.203(b)].

NCWSs must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by EPA

**In addition**, NCWSs must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, EPA recommends printing your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required public notice elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below). All posted notices must remain in place for as long as the violation or situation persists but in no case for less than seven days, even if the violation or situation is resolved.

### **Mandatory Language**

Mandatory language on health effects (from 40 CFR 141.205(d)(2)) must be included as written if the required start-up procedure includes collecting coliform bacteria samples. The mandatory language is provided below and is presented in this notice in italics with an asterisk on each end. You will need to update the information presented in brackets with the appropriate information.

*\*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. \**

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics with an asterisk on each end.

### **Corrective Action**

In your notice, you must describe corrective actions you are taking [40 CFR 141.205(a)(7)] and when you expect to return to compliance or resolve the situation [40 CFR 141.205(a)(8)]. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with TT violations relating to incomplete start-up procedures. Depending on the corrective action you are taking, you can use the following statement, if appropriate, or develop your own text:

- We have completed the required start-up procedures and provided the appropriate certification to EPA. The procedures included [describe what you did, for example, flushed the system, disinfected the system, collected total coliform bacteria samples, etc.].
- We have collected [number] coliform bacteria samples as required and [number] sample results were negative for total coliform bacteria.

### **Repeat Notices**

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices.

**After Issuing the Notice**

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to EPA within 10 days after the original or any repeat notice(s) [40 CFR 141.31(d)].

Send the copy of your public notice and certification to:

Email: R8DWU@epa.gov

Fax: 1(877) 876-9101

Mail: Refer to the address at the top of your notice of violation letter. Use Mail Code 8WP-SDA on the envelope.

If you have questions about your Revised Total Coliform Rule violation, please call Jamie Harris, the RTCR Manager at 1-303-312-6072.

**CERTIFICATION OF PUBLIC NOTIFICATION**

I \_\_\_\_\_ certify that the attached public notice was issued from  
(PWS Operator/Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_. The notice attached was issued by  
(Date) (Date)

\_\_\_\_\_ for the RTCR Violation that occurred on \_\_\_\_\_.  
(Method of delivery – by hand, mail, etc.) (Date)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Public Water System Name: \_\_\_\_\_ PWS ID Number: \_\_\_\_\_

# PUBLIC NOTICE

Date of Release: \_\_\_\_\_ PWS Number: \_\_\_\_\_

## FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All \_\_\_\_\_ Water Users  
*(Name of water system/business)*

*We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards.*

*During \_\_\_\_\_ we did not complete all monitoring for total coliform  
*(compliance period)**

*bacteria and therefore cannot be sure of the quality of our drinking water during that time.*

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?  
\_\_\_\_\_  
\_\_\_\_\_

If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.  
(Water system contact person) (Phone)

*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.*

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.  
You may use the above notice sample or write your own but the text in italics must be included in any notification.

**PWS Operator/Responsible Party:**

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

**Community Systems must use one of the following methods:**

- hand or direct delivery
- mail, as a separate notice or included with the bill

**Non-Community Systems must use one of the following methods:**

- 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. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved but in no case less than seven (7) days, even if the violation is resolved. If the violation has been resolved, you must post the notice for at least one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

After issuing the notice, make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice.

Send the copy of your notice and dates posted to:

RTCR MANAGER  
 US EPA REGION 8  
 PUBLIC WATER SYSTEM PROGRAM - 8WP-SDA  
 1595 WYNKOOP ST.  
 DENVER CO 80202

Or, you can fax a copy to: Attn: RTCR Manager at **877-876-9101**.

If you have questions about your RTCR FTM violation call 1-800-227-8917 and ask to speak with the RTCR Manager.

**Certification of Public Notification**

I \_\_\_\_\_ **certify that the attached public notification was issued**  
(PWS Operator/Responsible Party)

from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_