



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

FEB 23 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Johnson County Commissioners
c/o Smokey Wildeman, Chairman
76 North Main Street
Buffalo, WY 82834

Re: Notice of Safe Drinking Water Act
Enforcement Action against
TAS Properties, LLC and Theodore Schumacher
Powder River Plaza
PWS ID #WY5601547

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to TAS Properties, LLC and Theodore Schumacher located in Gillette, Wyoming, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform bacteria; and failing to report these violations to 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure
Order



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2011 FEB 23 AM 9:33

FILED
EPA REGION VIII
HEARING CLERK

FEB 23 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

TAS Properties, LLC
Theodore Schumacher, Registered Agent
P.O. Box 4367
Gillette, WY 82717-4367

Theodore Schumacher
310 Ross
Gillette, WY 82716-3726

Re: Administrative Order
Docket No. **SDWA-08-2011-0026**
Powder River Plaza
Public Water System
PWS ID# WY5601547

Dear Mr. Schumacher:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that TAS Properties, LLC (the company) and/or you have violated the National Primary Drinking Water Regulations (the drinking water regulations).

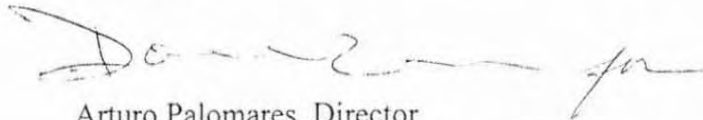
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If TAS Properties, LLC and/or you comply with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to 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.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's or your attorney should be directed to David Rochlin, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6892 or (303) 312-6892.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written in a cursive style.

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

Enclosures:

Order
SBREFA Information Sheet

cc:

Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ/DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 FEB 23 AM 9:54

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
TAS Properties, LLC and)
Theodore Schumacher aka)
"Ted Schumacher",)
)
Respondents.)

Docket No. SDWA-08-2011-0026

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. TAS Properties, LLC and Ted Schumacher (Respondents) are a corporation and individual respectively under Wyoming law that own and/or operate the Powder River Plaza 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 ground water source consisting of two wells which provide water that is treated with chlorination for disinfection.
4. The system has approximately 19 service connections and/or regularly serves at least 25 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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. Respondents are 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondents are required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondents failed to monitor the system's water for total coliform bacteria during the 4th (October – December) quarter of 2009, 2nd (April – June) quarter of 2010, 3rd (July – September) quarter of 2010, and the 4th quarter of 2010, and, therefore, violated this requirement.

8. Respondents are required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement.
9. Respondents are required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondents did not notify EPA of the violations cited in paragraph 7, above, and, therefore, violated this requirement.
10. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondents failed to report the violation listed in paragraph 8, above, to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

11. Respondents shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).
12. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
13. Respondents shall direct all reporting required by this Order to:

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



GENERAL PROVISIONS

14. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

15. Violation of any part of this Order or the drinking water regulations may subject Respondents 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.

Issued: February 23, 2011.

Michael T. Risner

Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Arturo Palomares

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

