



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Reverend Kenneth R. Martin, Owner and Registered Agent
Skypilot Ministries, LLC
3925 U.S. Hwy 20
Lusk, WY 82225

Re: In the Matter of Skypilot Ministries, LLC
Docket No. SDWA-08-2007-0030
PWS ID #5601070

Dear Reverend Martin:

This letter responds to your communication dated June 9, 2007, regarding the Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) on February 15, 2007, for alleged violations of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and the National Primary Drinking Water Regulations (NPDWRs) at the Prairie View Campground Public Water System (System), located in Niobrara County, Wyoming, owned and/or operated by Skypilot Ministries, LLC (Skypilot). The cover letter accompanying the Order solicited within 10 days of the Order's receipt new or additional information pertaining to the violations alleged. Although your response was received well after the comment period closed, EPA has taken the additional information into consideration and offers the following points of clarification and/or changes regarding the Order.

The Order issued by EPA addresses a series of total coliform violations, including failure to monitor, failure to report, and exceedances of the maximum contaminant level (MCL). These are serious violations that may threaten human health. To return the System to compliance with the SDWA and ensure the provisioning of safe drinking water to consumers, the Order includes, in part, the following requirements. First, and as more fully described in Paragraph 1 of the section entitled "Order," EPA ordered Skypilot to complete a total of six modifications identified during a technical assistance visit on September 20, 2006. By including the recommendations from the technical assistance visit in the Order, EPA endeavors to return the System to consistent compliance with the total coliform MCL at 40 C.F.R. § 141.63 and alleviate the physical deficiencies that may be causing or contributing to the total coliform exceedances. The Order required a written statement with the System owner's signature verifying the completion of all six modifications prior to the System opening for the 2007 season.

Not only was the System's compliance with this requirement untimely, it also was incomplete. While the System completed three of the modifications, specifically installing hose bib vacuum breakers on all service connections (frost free hydrants); permanently disconnecting the water source at the trailer dump station; and checking the isolation valve connecting the water system to the drive-in theatre for leaks, the modifications were not made prior to the 2007 season opening in May. More importantly, the following three modifications remain outstanding: pump the septic system prior to opening and thereafter on a regular basis; repair the broken and leaking frost-free hydrant; and physically disconnecting the drive-in theatre well from the campground distribution system.

In your letter of June 9, you state that the septic system has not been pumped because it is serviced monthly with active enzymes to keep it in balance. You also note that no indication of Fecal Coliform has ever been found in the water system and the septic system and attached leach field are located downstream of the well and performing within normal parameters. This information is insufficient to change the portion of the Order requiring the System to pump the septic pre-season and on a regular basis thereafter. Please be aware that there is some controversy as to whether enzymes are effective. The Wyoming Department of Environmental Quality recommends septic systems be routinely pumped every two to three years even if treated with enzymes and released to a leach field. As for the requirement that the System repair the broken and leaking frost free hydrant, it is immaterial whether or not the hydrants are used by the public. The fact that the hydrants leak poses the threat of drinking water contamination. **Please pump the septic tank and repair or replace immediately the leaking frost free hydrants, and notify EPA in writing upon completion, to avoid further action.** Based on your information that there is a working, non-leaking isolation valve between the drive-in theatre and the water system, EPA is recommending, but no longer requiring, that the water system be disconnected from the drive-in theatre.

The Order also requires the System within 30 days of the May 2007 season opening, to provide public notice for the 2nd quarter 2003 and 4th quarter 2002 failure to monitor violations, and the September 2006 total coliform MCL exceedance violation, to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Upon review of the public notices included with your response, EPA already possesses all but the 4th quarter 2002 total coliform failure to monitor public notice you submitted. The System is required to complete a public notice for the 2nd quarter 2003 violation, regardless of how many days the sampling was overdue. Please note that, as a point of clarification, the lab slip states the sample was taken July 10th, which is 10 days late rather than the three days noted in your response. The System also needs to perform public notice for the September 2006 total coliform MCL violation not addressed in your response. Having reviewed your comments, the System **must complete immediately a public notice for the 2nd quarter 2003 and September 2006 violations and submit a copy to EPA.** To remain in compliance with the public notice requirement you may wish to include the July, September, and October 2006 failure to monitor for additional routine total coliform violations in this public notice, even though they are not delinquent, to avoid having to complete two notices.

With regard to your other comments, EPA responds as follows: First, with regard to Paragraph 5 of the Finding section, your disagreement as to the population/service connections served by the water system can be rectified during the sanitary survey that will be conducted this summer at your facility. You may request administrative changes to your record at that time. Because, however, you still have more than 15 service connections, your monitoring requirements will not change. As for Paragraph II.1 of the Findings of Violation section, the Order refers to the regulatory requirement of taking repeat total coliform samples within 24 hours of a total coliform positive result. You are correct in that the "State" (in this instance represented by Charla Cholson of EPA) may extend the timeframe on a case-by-case basis for logistical reasons. Please note that the Order does not cite a violation for *late* repeat samples (i.e., August repeats taken a week after the total coliform positive (TC+) results), but rather only cites the months where *no* repeat samples were taken (June, September and December). With regard to Paragraph II.2 of the Findings of Violation section, the failure to take repeat sample letter you sent Ms. Cholson pertained to a positive TC+ sample taken June 1st. No repeat samples were *ever* taken. The next sample was taken 10 weeks later on August 17th. Repeat samples taken immediately at different sampling locations are required to help determine the location(s) of contamination in the water system. In Paragraph III.2 of the Findings of Violation section, EPA encourages systems to sample for total coliform early in each quarter so that if an initial sample is not analyzed, as happened to your system 3rd quarter 2004, there is still time to provide another sample in the same quarter to prevent a violation. The requirement cited in Paragraph IV of the Findings of Violation section to take five routine samples the month following a TC+ is necessary to determine if the remedy employed after the TC+ the previous month was effective. To provide safe water for your customers you need to take action on a TC+ immediately. As for Paragraph VI of the Findings of Violation section, your notification requirement can be considered met for those violations if EPA contacted you about the TCR MCL.

The purpose of an Order is to return a system to compliance with the Act and NPDWRs to protect public health. If EPA believes that information or recommendations from a recent sanitary survey or technical assistance visit will assist in resolving the noncompliance, EPA incorporates said measures into the Order with total coliform positive events and to prevent future positive samples; thus preventative measures can become a part of an Order's requirements, if one is issued. Please be assured that EPA's decision to issue Skypilot an Order addressing the System's violations was based on EPA Regional policy rather than the results of the technical assistance visit. The purpose of technical assistance visits is to provide compliance assistance and cost savings to systems by using an EPA contractor who may then help develop a contamination prevention plan. As stated above, it is only when those findings may be helpful in addressing violations of the SDWA or the NPDWRs that the recommendations are adopted into an Order. EPA encourages you to continue to work with EPA and its contractors for the benefit of the System, and the persons it serves.

EPA is considering additional enforcement action at this time as a result of non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance. To avoid escalation of this matter, it is imperative that the System perform the modifications and

public notice described above, and otherwise comply with the Act and its implementing regulations.

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 direct any legal questions to Amy Swanson, Enforcement Attorney, at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: WY DEQ/DOH (via email)