



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2011 DEC 20 PM 2:16

EPA REGION VIII  
HEARING ROOM

Ref: 8ENF-L

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

NO. 7009-3410 0000-2597-5013

DEC 20 2011

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:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" (Complaint) filed against Kennington Springs Pipeline, Inc. (Kennington Springs) under section 1414(g)(3) of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3(g)(3). The U.S. Environmental Protection Agency (EPA) alleges in the Complaint that Kennington Springs failed to comply with administrative orders issued by the EPA. The violations are described in the Complaint.

By law, Kennington Springs has the right to request a hearing regarding the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If Kennington Springs does not file an answer to the Complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In its answer Kennington Springs may request a hearing. Kennington Springs has the right to be represented by an attorney at any stage of these proceedings.

The EPA encourages all parties against whom it files any complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Judicial Officer, EPA Region 8. If a representative of Kennington Springs signs a consent agreement that is finalized by a final order, Kennington Springs will waive its right to request a hearing on any matter to which it has stipulated in that agreement.

Whether or not Kennington Springs requests a hearing, its representative(s) may confer informally with the EPA concerning the alleged violation and/or the amount of the proposed penalty. However, an informal settlement conference does **not** substitute for filing a written answer and



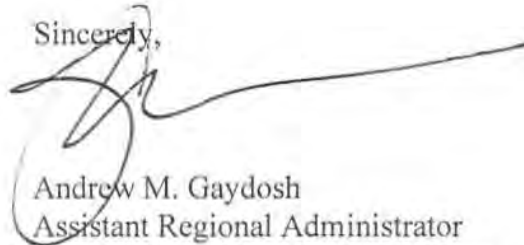
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requesting a hearing. A request for an informal conference also does not extend the 30-day period during which Kennington Springs must submit a written answer and a request for a hearing. Kennington Springs may pursue settlement and have an informal conference even if it is also litigating the case.

For any questions specific to the violations or penalty, the most knowledgeable people at the EPA regarding this matter are Shawn McCaffrey Environmental Protection Specialist, who can be reached at 1-800-227-8917, extension 6515, and, for questions from counsel, if any, Peggy Livingston, Enforcement Attorney, who can be reached at 1-800-227-8917, extension 6858.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Gaydosh", with a long horizontal flourish extending to the right.

Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Tina Artemis, EPA Regional Hearing Clerk



2011 DEC 20 PM 2:16

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

U.S. EPA REGION 8  
美国环保署第八区

IN THE MATTER OF )  
 )  
Kennington Springs Pipeline, Inc., )  
 )  
 Respondent )  
 )  
 Proceeding under § 1414(g) )  
 of the Safe Drinking Water Act, )  
 42 U.S.C. § 300g-3(g) )  
 \_\_\_\_\_ )

) Docket No. **SDWA-08-2012-0007**  
)  
) **COMPLAINT AND NOTICE OF**  
) **OPPORTUNITY FOR HEARING**

**COMPLAINT**

This civil administrative Complaint and Notice of Opportunity for Hearing (complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g)(3)(B) of the Safe Drinking Water Act, as amended (the SDWA), 42 U.S.C. § 300g-3(g)(3)(B). Section 1414(g)(3) of the SDWA authorizes the Administrator of the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g).

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to the EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 (Consolidated Rules of Practice)(Complainant's Exhibit 1).

### **GENERAL ALLEGATIONS**

The following general allegations apply to each count of this complaint:

1. Kennington Springs Pipeline, Inc. (Respondent) is a Wyoming corporation and therefore a “person” as that term is defined in section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates the Kennington Springs Pipeline, Inc. Water System (the System), located in Lincoln County, Wyoming, for the provision of water for human consumption to the public through pipes or other constructed conveyances.
3. The System has at least 15 service connections used by year-round residents and/or regularly serves at least 25 year-round residents and is therefore a “public water system” and a “community water system” as those terms are defined in 40 C.F.R. § 141.2 and section 1401 of the SDWA, 42 U.S.C. § 300f.
4. As an owner and/or operator of a public water system, Respondent is a “supplier of water” as that term is defined in section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs), each of which is an “applicable requirement” as that term is defined in section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i).
5. The source of the System’s water is ground water from one spring. The System is open year-round. It regularly serves at least 75 year-round residents through approximately 33 service connections.

6. On March 25, 2010, in accordance with section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), the EPA issued an Administrative Order, Docket No. SDWA-08-2010-0026 (the First Order) to Respondent, citing violations of the NPDWRs.
7. A copy of the First Order is attached to this complaint (Complainant's Exhibit 2).
8. By letter dated February 8, 2011, the EPA notified the Respondent that the Respondent was in violation of the First Order.
9. A copy of the February 8, 2011, letter is attached to this complaint (Complainant's Exhibit 3).
10. On March 8, 2011, in accordance with section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), the EPA issued an Administrative Order, Docket No. SDWA-08-2011-0030 (the Second Order) to Respondent, citing violations of the NPDWRs.
11. A copy of the Second Order is attached to this complaint (Complainant's Exhibit 4).
12. On August 5, 2011, the EPA amended the Second Order.
13. A copy of the order dated August 5, 2011 (the Second Order as Amended) is attached to this complaint (Complainant's Exhibit 5).
14. A copy of the cover letter for the Second Order as Amended is attached to this complaint (Complainant's Exhibit 6).
15. Because Wyoming has not sought primary authority for enforcing the public water supply supervision program, the EPA directly implements this program in

Wyoming. Consequently, as provided by the definition of “state” in 40 C.F.R. § 141.2, the EPA is the “state” for purposes of applying the NPDWRs in Wyoming.

## **VIOLATIONS**

### **Count I**

#### **Failure to Monitor for Lead and Copper**

1. According to 40 C.F.R. § 141.86, Respondent is required to monitor the System’s water triennially for lead and copper and, based on its population, to collect at least five samples during each triennial monitoring period.
2. The First Order, having found that Respondent’s most recent lead and copper sampling had been conducted in June of 2006 and that the failure to monitor during 2009 violated 40 C.F.R. § 141.86, directed Respondent to monitor the System’s water for lead and copper between June 1, 2010, and September 30, 2010.
3. In violation of Paragraph 9 of the First Order, Respondent failed to monitor the System’s water for lead and copper between June 1, 2010, and September 30, 2010.

### **Count II**

#### **Failure to Report Lead and Copper Monitoring Violations**

1. According to 40 C.F.R. § 141.31(b), a public water system that has failed to comply with any NPDWR must report the violation to the EPA within 10 days after the system discovers the violation, unless the NPDWRs specify a different reporting period for that violation.

2. The First Order, having found that Respondent had violated 40 C.F.R. § 141.31(b) by failing to report to EPA that no monitoring for lead and copper had occurred in 2009, required Respondent to report any failure to comply with a NPDWR to the EPA within 10 days of discovering the violation.
3. In violation of Paragraph 9 of the First Order, Respondent failed to report to the EPA that the Respondent had not monitored the System's water for lead and copper between June 1, 2010, and September 30, 2010.

### **Count III**

#### **Exceeding Maximum Contaminant Level for Total Coliform Bacteria**

1. According to 40 C.F.R. § 141.63, a public water system collecting fewer than 40 samples per month (which includes the System) has not complied with the Maximum Contaminant Level (MCL) for total coliform bacteria pursuant if two or more samples collected in any month from the system's water are positive for total coliform.
2. The Second Order required Respondent to comply with the total coliform MCL as required by 40 C.F.R. § 141.21.
3. In violation of Paragraph 12 of the Second Order, Respondent allowed the System's water to exceed the total coliform MCL during June of 2011.

### **Count IV**

#### **Failure to Report Total Coliform MCL Violation**

1. According to 40 C.F.R. § 141.21(g)(1), a public water system that has exceeded the MCL for total coliform must report the violation to the EPA no later than the next business day after it learns of the violation.

2. The Second Order and the Second Order as Amended, having found that Respondent violated 40 C.F.R. § 141.21(g)(1) by failing to report two coliform MCL violations to EPA, required Respondent to report any future coliform MCL violation to EPA by the end of the next business day after discovering the violation.
3. In violation of Paragraph 12 of the Second Order and Paragraph 13 of the Second Order as Amended, Respondent failed to report its June of 2011 total coliform MCL violation to the EPA by the end of the next business day after discovering this violation.

**Count V**  
**Failure to Submit Compliance Plan**

1. Paragraph 13 of the Second Order and Paragraph 14 of the Second Order as Amended required Respondent, in the event of a total coliform MCL violation, to submit a plan to the EPA for coming into compliance with the total coliform MCL as stated in 40 C.F.R. § 141.63(a). The plan was to have been submitted no later than 30 days of learning of the violation.
2. Respondent failed to submit a compliance plan to the EPA within 30 days of learning of the June of 2011 MCL violation. Although Respondent submitted a compliance plan to the EPA on September 9, 2011, this plan was incomplete in that it provided only a summary of events and an interim response to the June of 2011 MCL violation. The EPA did not approve that plan.



### **PROPOSED PENALTY**

This complaint proposes that the EPA assess an administrative penalty against Respondent. The EPA is authorized to assess an administrative civil penalty according to section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), for violation of an administrative order issued under section 1414(g) of the SDWA. The amount of the administrative penalty may not exceed \$27,500 for violations occurring after March 15, 2004, through January 12, 2009, and \$32,500 for violations occurring after January 12, 2009. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19. See 74 Fed. Reg. 626, January 7, 2009.)

The EPA has determined the proposed penalty amount in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondent's degree of willfulness and/or negligence, history of noncompliance, and ability to pay, as known to the EPA at this time, the EPA proposes to assess an administrative civil penalty of **\$1,200** against Respondent for its violations of the Order.

### **OPPORTUNITY TO REQUEST A HEARING**

As provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), Respondent has the right to request a public hearing to contest any material fact alleged in this complaint, to contest the appropriateness of the proposed penalty, and/or to assert that it is entitled to judgment as a matter of law.

If Respondent wishes to request a hearing, Respondent must file a written answer in accordance with 40 C.F.R. §§ 22.15 within thirty (30) calendar days after this complaint is

served. If this complaint is served by mail, Respondent will have an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c), in which to file its answer.

If Respondent requests a hearing in its answer, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside.

However, Respondent has the right under the SDWA to elect a hearing on the record in accordance with section 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

(APA). For Respondent to exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional

Hearing Clerk will place new captions on the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the

proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to:

Tina Artemis  
Region 8 Hearing Clerk (8RC)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202

A copy of the answer must also be sent to the attorney whose name and address are provided in the signature block at the end of this complaint.

#### **FAILURE TO FILE AN ANSWER**

**If Respondent does not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint, Respondent may be subject to a default order requiring payment of the full penalty proposed in this complaint.**

The EPA may obtain a default order according to 40 C.F.R. § 22.17.

### **REQUIREMENTS FOR ANSWER**

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which Respondent has any knowledge. The answer must state (1) any circumstances or arguments the Respondent alleges to constitute grounds of defense, (2) any facts the Respondent disputes, (3) whether and on what basis the Respondent opposes the proposed penalty, and (4) whether the Respondent requests a hearing.

**Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of that allegation.**

### **QUICK RESOLUTION**

Respondent may resolve this action by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18. If such payment is made within thirty (30) calendar days of receipt of this complaint, Respondent need not file an answer. Alternatively, as allowed by 40 C.F.R. § 22.18(b), Respondent may file a statement with the Regional Hearing Clerk within thirty (30) days of receipt of the complaint agreeing to pay the full assessed penalty and may make the penalty payment within sixty (60) days of receiving the complaint.

If made by check, the payment shall be made by remitting a cashier's or certified check, including the name and docket number of the case, referencing the Docket Number given on the first page of this complaint and payable to the Environmental Protection Agency.

The check shall be sent to the EPA in one of the following ways:

By first class  
US postal service mail:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

By Federal Express, Airborne,  
or other commercial carrier:

US Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

The payment may also be made by wire transfer or on-line via the internet, as follows:

Wire transfers:

Federal Reserve Bank of New York  
ABA = 021030004, Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read  
"D68010727 Environmental Protection Agency "

On-Line Payment:

WWW.PAY.GOV  
Enter sfo 1.1 in the search field  
Open form and complete required fields.

A copy of the check, wire transfer, or record of on-line payment shall be simultaneously  
sent to:

Shawn McCaffrey, 8ENF-W  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202

Payment of the penalty in this manner does not relieve Respondent of the obligation to  
comply with the requirements of the SDWA and its implementing regulations. Payment of the  
penalty in this manner does, however, constitute consent by Respondent to the assessment of the  
proposed penalty and a waiver of Respondent's right to a hearing on this matter.

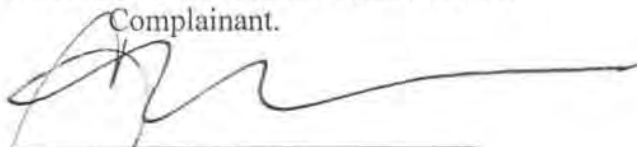
**SETTLEMENT CONFERENCE**

The EPA encourages exploring settlement possibilities through informal settlement negotiations. **However, failing to file an answer may lead to a default order, even if settlement negotiations occur.** The parties may simultaneously pursue settlement and proceed with administrative litigation. If a settlement is reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. Any request for settlement negotiations, or any questions that Respondent may have regarding this complaint, should be directed to the attorney named below.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8

Complainant.



Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance and Environmental Justice

*Margaret J. (Peggy) Livingston*  
Margaret J. (Peggy) Livingston

Enforcement Attorney  
Office of Enforcement, Compliance and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-7202

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

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

Date: 12/20/2011

By: Judith McTernan  
Judith McTernan

## § 21.13

approve or disapprove the State issued statement, in accordance with the requirements of § 21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with § 21.5, on any such statement.

(i) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in § 21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

**§ 21.13 Effect of certification upon authority to enforce applicable standards.**

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

**PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS**

**Subpart A—General**

- Sec.
- 22.1 Scope of this part.
  - 22.2 Use of number and gender.
  - 22.3 Definitions.
  - 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
  - 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
  - 22.6 Filing and service of rulings, orders and decisions.
  - 22.7 Computation and extension of time.
  - 22.8 *Ex parte* discussion of proceeding.
  - 22.9 Examination of documents filed.

**Subpart B—Parties and Appearances**

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

**Subpart C—Prehearing Procedures**

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

**Subpart D—Hearing Procedures**

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

**Subpart E—Initial Decision and Motion to Reopen a Hearing**

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 MAR 25 AM 9:35

IN THE MATTER OF: )  
 )  
Kennington Springs Pipeline, Inc. )  
 )  
Respondent. )

Docket No. SDWA-08-2010-0026

ADMINISTRATIVE ORDER

EPA REGION 8  
HEARING CLERK

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. The Kennington Springs Pipeline, Inc. (Respondent) is a nonprofit corporation that owns and/or operates the Kennington Springs Pipeline, Inc. Water System (the system), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one spring.

4. The system has approximately 31 service connections used by year-round residents and/or regularly serves at least 75 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. 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 triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by the system, Respondent is required to collect at least 5 samples during each 3-year monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored the system's water for lead and copper on June 19, 2006, and the



next sampling was to be done between June 1, 2009, and September 30, 2009. Respondent failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 7, above, to 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):

9. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

10. Respondent 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**

11. 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.

12. Violation of any part of this Order or the drinking water regulations may subject Respondent 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: March 25, 2010.



David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Darcy O'Connor, Acting Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

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Ref: 8 ENF-W

FEB 08 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Violation of Administrative Order  
Kennington Springs Pipeline  
Public Water System  
Docket No. SDWA-08-2010-0026  
PWS ID #WY5601199

Dear Ms. White:

On March 25, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2010-0026, ordering Kennington Springs Pipeline, Inc., (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f *et seq.*

Our records indicate that Kennington Springs Pipeline, Inc., is in violation of the Order. Among other things, the Order included the following requirements (quoted from item 9 of the "Order" section on page 2 of the Order):

1. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

Respondent failed to monitor the system's water for lead and copper during the 2010 monitoring period and failed to report the violation to EPA within 48 hours of learning of it.

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.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston  
Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, 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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 MAR -8 AM 11:05

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
Kennington Springs Pipeline, Inc. )  
 )  
Respondent. )

Docket No. SDWA-08-2011-0030

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. The Kennington Springs Pipeline, Inc. (Respondent) is a nonprofit corporation that owns and/or operates the Kennington Springs Pipeline, Inc. Water System (the system), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one spring.

4. The system has approximately 33 service connections used by year-round residents and/or regularly serves at least 75 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If two or more samples collected in any month from the system's water are positive for total coliform, then the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of September 2010 and November 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Within 24 hours of being notified that any regular, routine total coliform monitoring sample is total coliform-positive, Respondent is required to collect at least one water sample from each source in use and to submit each source sample for fecal indicator analysis. 40 C.F.R. § 141.402(a) and (c). The system received total coliform-positive results for its routine water samples collected on November 1, 2010 and November 3, 2010, but

Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement. The September 2010 total coliform positive results were determined by EPA to be due to a distribution system deficiency rather than a source water deficiency and therefore no source water sample was required for September 2010.

9. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraph 7, above, and, therefore, violated this requirement. Public notice for the 2010 failure to take a ground water source sample cited in paragraph 8 is not yet overdue.

10. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

11. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 8, above, to 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):

12. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63. If the system's water does not comply with the total coliform MCL, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

13. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming

approvals of plans and specifications that may also be required before modifications may be made to the system.

14. The plan and schedule required by paragraph 13, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. Within 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

15. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receiving EPA's approval of the plan and schedule required by paragraph 13 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

16. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. Due to the nature of the spring source, the source water sample shall be collected at the first tap off the collection box.

17. After the initial sampling required by paragraph 16, Respondent shall, within 24 hours of receiving any notification that a regular, routine total coliform monitoring sample is total coliform-positive, collect at least one water sample for fecal indicator analysis from each source in use, as required by 40 C.F.R. § 141.402(a) and (c).

18. Respondent shall report analytical results for all sampling required by paragraphs 16 and 17 to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.31. Each such result shall be identified, upon submission to EPA and upon submission to the laboratory analyzing the sample, using the Source Water Sampling collection and reporting form provided as an attachment with this Order. Respondent shall report any failure to conduct sampling required by 40 C.F.R. § 141.402(a) and (c) to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. 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. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

20. Respondent shall direct all reporting required by this Order to:

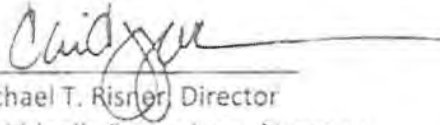
U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

21. 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.

22. Violation of any part of this Order or the drinking water regulations may subject Respondent 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:                     , 2011.



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



Darcy O'Connor, Acting Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 AUG -5 AM 8:35

IN THE MATTER OF: )  
 )  
Kennington Springs )  
Pipeline, Inc. )  
 )  
Respondent. )

Docket No. SDWA-08-2011-0030

AMENDED ADMINISTRATIVE ORDER

EPA REGION 8  
DENVER, CO

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials. The original Order was issued to Kennington Springs Pipeline, Inc. on March 8, 2011, and is now amended to add new violations.

2. Kennington Springs Pipeline, Inc. (Respondent) is a nonprofit corporation that owns and/or operates the Kennington Springs Pipeline, Inc. Water System (the system), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one spring.

4. The system has approximately 33 service connections used by year-round residents and/or regularly serves at least 75 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

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 § 1414(i) of the Act, 42 U.S.C. § 300g-1(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If two or more samples collected in any month from the system's water are positive for total coliform, then the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of September 2010 and November 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Within 24 hours of being notified that any regular, routine total coliform monitoring sample is total coliform-positive, Respondent is required to collect at least one water sample from each source in use and to submit each source sample for fecal indicator analysis. 40 C.F.R. § 141.402(a) and (c). The system received total coliform-positive results for its routine water samples collected on November 1, 2010 and November 3, 2010, but Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement. The September 2010 total coliform positive results were determined by EPA to be due to a distribution system deficiency rather than a source water deficiency and therefore no source water sample was required for September 2010.

9. Respondent is required to monitor the system's water for 26 synthetic organic contaminants (pesticide/herbicide or SOCs) at least once in every three-year compliance period, including the 2008 - 2010 compliance period. 40 C.F.R. § 141.24(h). (The regulation lists 30 SOCs that are to be monitored; of these 30, EPA has issued state wide monitoring waivers for diquat, endothall, glyphosate, and dioxin.) Respondent collected a water sample on September 27, 2010, but failed to have it analyzed for all required SOCs and, therefore, violated this requirement. Respondent had the sample analyzed for only 10 of the required 26 SOC contaminants.

10. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 et seq. Respondent failed to notify the public of the violations listed in paragraph 7, above, and, therefore, violated this requirement. Public notice for the violations cited in paragraphs 8 and 9 are not yet overdue.

11. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 and 9, above, to 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):

13. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63. If the system's water does not comply with the total coliform MCL, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

14. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

15. The plan and schedule required by paragraph 14, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. Within 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

16. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receiving EPA's approval of the plan and schedule required by paragraph 14 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

17. Respondent shall, within 24 hours of receiving any notification that a regular, routine total coliform monitoring sample is total coliform-positive, collect at least one water sample for

fecal indicator analysis from each source in use, as required by 40 C.F.R. § 141.402(a) and (c). Due to the nature of the spring source, the source water sample shall be collected at the first tap off the collection box. Note: on March 7, 2011, Respondent collected the source water sample that was required under the March 8, 2011 Order.

18. Respondent shall report analytical results for all sampling required by paragraph 17 to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.31. Each such result shall be identified, upon submission to EPA and upon submission to the laboratory analyzing the sample, using the Source Water Sampling collection and reporting form provided as an attachment with this Order. Respondent shall report any failure to conduct sampling required by 40 C.F.R. § 141.402(a) and (c) to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Within 30 days after receiving this Order and per the regulations thereafter, Respondent shall monitor for all 33 contaminants listed in 40 C.F.R. § 141.24(h)(18) except for aldicarb, aldicarb sulfoxide, aldicarb sulfone, diquat, endothall, glyphosate, dioxin, and the contaminants for which Respondent monitored during the 2006-2010 monitoring period. Appendix A includes a list of the remaining contaminants that need to be monitored to meet the requirement of this Order. Subsequently, Respondent will be required to monitor again for the contaminants listed in Appendix B prior to December 31, 2013. Respondent will be required to monitor for synthetic organic contaminants per the regulations thereafter. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Respondent shall report any violation of the SOC monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

20. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. 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. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA. Note: on April 18, 2011, EPA received the public notice as required by the March 8, 2011 Order.

AUG 05 2011

Kennington Springs Pipeline, Inc.  
Page 5 of 5

21. Respondent shall direct all reporting required by this Order to:

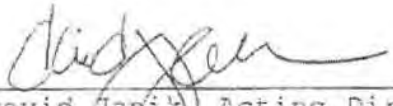
U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129


GENERAL PROVISIONS

22. 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.

23. Violation of any part of this Order or the drinking water regulations may subject Respondent 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: \_\_\_\_\_, 2011.

  
\_\_\_\_\_  
David Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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

Appendix A

Respondent shall monitor for the following SOCs within 30 days after receiving the Administrative Order:

Alachlor
Atrazine
Benzo(a)pyrene (PAHs)
Chlordane
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl)phthalate
Endrin
Lindane (Gamma-BHC)
Heptachlor
Heptachlor epoxide
Hexachlorobenzene
Hexachlorocyclopentadiene (HEX)
Methoxychlor
Simazine
Toxaphene
Polychlorinated Biphenyls (PCBs), Aroclor E525

Appendix B

Respondent must monitor again for these remaining contaminants before December 31, 2013.

Carbofuran
Oxamyl (Vydate)
2,4-D
Dalapon
Dinoseb
Pentachlorophenol
Picloram
2,4,5-TP (Silvex)
1,2-Dibromo-3-Chloropropane (DBCP)
1,2-Dibromoethane (EDB)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

AUG 05 2011

Re: BENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lincoln County Commissioners  
c/o Jerry T. Harmon, Chairman  
925 Sage Avenue, Suite 302  
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Kennington Springs Pipeline, Inc.  
Public Water System  
PWS ID #WY5601199

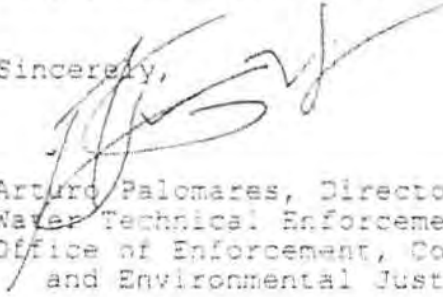
Dear County Commissioners:

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

EPA has issued an Amended Administrative Order (Order) to Kennington Springs Pipeline, Inc., owner of the Kennington Springs Pipeline drinking water system, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: total coliform maximum contaminant level exceedances, failure to collect a source water sample within 24 hours of being notified of a positive total coliform sample, failure to monitor for synthetic organic contaminants, failure to notify the public of these violations and failure 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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure:  
Administrative Order





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2011 AUG -5 AM 8:33

AUG 05 2011

EPA REGION VIII  
READING OFFICE

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Amended Administrative Order  
Kennington Springs Pipeline  
Public Water System  
Docket No. SDWA-08-2011-0030  
PWS ID #WY5601199

Dear Ms. White:

Enclosed is an Amended Administrative Order (Amended Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. This Order amends the March 8, 2011 Order issued by EPA. Among other things, the Amended Order alleges that Kennington Springs Pipeline, Inc. has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Amended Order adds the 2010 failure to monitor for synthetic organic contaminants (SOCs or pesticides / herbicides) violation (under the Violations section, paragraph 9, page 2 of the Order) and requires Kennington Springs Pipeline, Inc. to monitor for SOC's within 30 days of receipt of the Amended Order (see item 19 of the Order section on page 4 of the Order). As in the original Order, this Amended Order requires the system to comply with the total coliform MCL, collect a source water sample within 24 hours of being notified of a total coliform positive sample and notify EPA of violations.

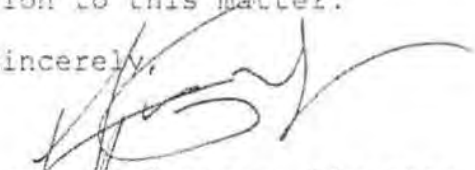
The Amended Order is effective upon the date received. Please review the Amended Order and within 10 days provide EPA with any information you believe EPA may not have. If Kennington Springs Pipeline, Inc. complies with the Order, EPA may close the Amended Order without further action. Failure to comply with the Amended Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from Kennington Springs Pipeline,

Inc.'s attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 68586 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order  
Appendix A: SOC list  
Appendix B: SOC list

cc:

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