



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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EPA REGION VIII
DENVER, COLORADO

Ref: 8ENF-W

APR 17 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bryan Pownell
Bryan's Place
1416 Highway 51
Rozet, WY 82727

Re: Administrative Order Violation #4
Docket No. SDWA-08-2010-0044
SDWA-08-2011-0055
PWS ID #5601477

Dear Mr. Pownell:

This is the fourth letter notifying you of noncompliance with two administrative orders issued by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Specifically, you were served with an Administrative Order (Order) dated May 20, 2010, and a subsequent Order dated July 28, 2011. Both Orders require you, as owner and/or operator of Bryan's Place Public Water System (System), to comply with various drinking water regulations issued by EPA to protect the health of persons served by the System. Your noncompliance with the 2010 Order already resulted in a complaint for penalty and the issuance of a Default Order by the presiding officer, ordering you to pay a penalty of \$1,200 in addition to interest and late fees.

Our records indicate that you (Respondent) continue to be in violation of the Order. Among other things, the Order includes the following requirements (quoted from items 10 and 11 on page 2 of the May 20, 2010 Order):

1. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a). Respondent 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).

EPA has not received total coliform analytical results for the 4th (October-December) quarter of 2011. You also failed to report this violation to the EPA.

2. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample

results are received, as required by 40 C.F.R. § 141.31(a). Respondent shall notify EPA within 48 hours of any violation of the nitrate monitoring requirements, as required by 40 C.F.R. § 141.31(b).

EPA has not received nitrate analytical results for 2011. You also failed to report this violation to the EPA.

Our records indicate that you also continue to be in violation of the second Order. Among other things, the Order includes the following requirement (quoted from item 12 on page 2 of the July 28, 2011 Order):

3. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 6 above, as required by 40 C.F.R. part 141, subpart Q. Following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.

EPA has not received public notice for the violations outlined in the Order nor for subsequent violations of the drinking water regulations.


The EPA is considering additional enforcement action as a result of your non-compliance with both Orders. 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 the EPA, you may contact Kathelene Brainich at 1-800-227-8917, extension 6481 or (303) 312-6481. If you are represented by an attorney who has questions, ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 312-6906, or (303) 312-6906 or at the following address:

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

We urge your prompt attention to this matter.

Sincerely,



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

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