



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 FEB 28 AM 11:26

FILED
EPA REGION VIII
HEARING CLERK

FEB 28 2011

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ron and Jodi Newkirk, Owners
Arlington Outpost
Arlington Route,
HC 64 P.O. Box 95
McFadden, WY 82083

Re: 2nd Violation of
Administrative Order
Docket No. SDWA-08-2009-0049
Arlington Outpost
PWS ID #WY5600068

Dear Mr. and Mrs. Newkirk:

On June 16, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2009-0049, ordering you (Respondents) as owners of the Arlington Outpost public water system, 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 you are in violation of the Order. Among other things, the Order included the following requirements (quoted from items 7 and 9 of the "Order" section on pages 2 and 3 of the Order):

1. Respondents shall monitor the system's water for nitrate as required by the drinking water regulations. 40 C.F.R. § 141.23(d). Respondents 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).

Respondents failed to monitor nitrate during 2010.

2. Respondents shall report any violation of the drinking water requirements (except where a different reporting period is specified in the drinking water regulations) to EPA within 48 hours. 40 C.F.R. § 141.31(b).

Respondents failed to report the violation in item #1 to EPA within 48 hours of learning of it.

EPA is considering additional enforcement action, including penalties 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 Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 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.



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

