



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

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

COPY

Ref: 8ENF-W

FEB 15 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Administrative Order
Docket No. **SDWA-08-2007-0030**
PWS ID #5601070

Dear Mr. Martin:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Skypilot Ministries LLC ("Skypilot") is the owner and/or operator of the Prairie View Campground Water System and a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21, 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) for exceeding the maximum contaminant level for total coliform bacteria, failure to monitor for total coliform (routine, repeat, and additional routine samples), and failure to notify the public and EPA of the violations.

If Skypilot complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.


Enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to

Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
SBREFA
Funding Brochure

cc: WY DEQ (via email)
WY DOH (via email)



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Ref: 8ENF-W

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Niobrara County Commissioners
c/o Tom Wasserburger, Chair
POB 1238
Lusk, WY 82225

Re: Notice of Safe Drinking Water Act
Enforcement Action against Prairie View
Campground (Skypilot Ministries, LLC)
PWS ID # 5601070

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Skypilot Ministries, LLC, owner/operator of Prairie View Campground, Lusk, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21, 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) for exceeding the maximum contaminant level for total coliform bacteria, failure to monitor for total coliform (routine, repeat, and additional routine samples), and failure to notify the public and EPA of the violations.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script that reads "Diane L. Sipe".


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
SBREFA
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cc: WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 FEB 15 AM 10:33

_____)
 IN THE MATTER OF)
)
 Skypilot Ministries, LLC)
 Lusk, Wyoming 82210)
)
 Respondent)
)
 Proceedings under Section 1414(g))
 of the Safe Drinking Water Act,)
 42 U.S.C. § 300g-3(g))
 _____)

SEARCHED
 SERIALIZED
 INDEXED
 FILED

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0030**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Skypilot Ministries, LLC (Respondent) is a corporation under the laws of the state of Wyoming as of December 28, 2001 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Prairie View Campground Water System (the System), located in Niobrara County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C.

§ 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an October 24, 2002 sanitary survey by an agent for EPA, the System is supplied by one well with no treatment and serves an average daily population of approximately 100 through 38 service connections during the season of May 1st through October 31st.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires non-community public water systems with an average daily population of less than 1,001 and having a groundwater source to monitor the water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.



3. Monitoring results submitted by Respondent for the public water system during August and September 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples within 24 hours for the total coliform positive routine samples in June, September, and December 2006, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21 requires any non-community public water system with an average daily population of less than 1,001 and having a groundwater source to monitor its water at least once per quarter to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 4th (October-December) quarters of 2005 and 2002; the 3rd (July-September) quarter of 2004; and the 2nd (April-June) quarter of 2003, in violation of 40 C.F.R. § 141.21.

IV.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples



to collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondent failed to collect at least 5 routine samples in July, September and October 2006 after total coliform positive samples in the previous months, in violation of 40 C.F.R. § 141.21(b)(5).

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any NPDWR violations, including violations of any MCL, maximum residual disinfection level, treatment technique, monitoring requirements, and testing procedures in 40 C.F.R. part 141.
2. Respondent has not provided public notice of the 2nd quarter 2003 and 4th quarter 2002 failure to monitor total coliform violations detailed in the preceding Section III nor for the September 2006 total coliform MCL violations detailed in the preceding Section I, in violation of 40 C.F.R. § 141.201. Public notice was completed for all 2004 and 2005 violations. Public notice is not yet past due for the 2006 failure to monitor violations.

VI.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(1).



VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections II, III, and IV above, in violation of 40 C.F.R. § 141.21(g)(2).

VIII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section V above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Prior to opening for the 2007 season, Respondent shall complete the modifications outlined in the technical assistance visit to the System on September 20, 2006 to return to consistent compliance with the total coliform MCL at 40 C.F.R § 141.63. These modifications include: 1) the drive-in theater well must be physically disconnected from the campground distribution system to insure water from this source is not entering the campground distribution system; 2) all service connections (frost free hydrants) must have hose bib vacuum breakers installed to prevent back siphonage from recreational vehicles; 3) the



hose bib at the trailer dump station must be equipped with a reduced pressure backflow assembly and be tested annually to insure proper operations and hoses must not be made available that may allow backflow into the trailer holding tanks; 4) the broken and leaking frost-free hydrant must be repaired; 5) the isolation valve located at the west end of the campground must be checked to insure that the packing or valve is not leaking as a leak could cause introduction of contaminants into the water system; and 6) the septic system must be pumped prior to opening and thereafter on a regular basis to prevent solids build up and short circuiting of liquids into the surrounding ground. A written statement, with the System owner's signature, verifying that all six modifications have been completed must be submitted to EPA prior to opening for the 2007 season. Respondent shall comply with the total coliform MCL as stated in 40 C.F.R § 141.63.

2. If the System has a total coliform MCL violation while this Order is in effect, Respondent shall install continuous disinfection within 90 days of the violation.
3. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform



positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. 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. § 141.31(a).

4. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. 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. § 141.31(a).
6. Within 30 days of opening of the campground in May 2007, Respondent must comply with the public notice requirements set forth at 40 C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205 for the violations specified under the Findings of Violation in this Order:



2nd quarter 2003 and 4th quarter 2002 in Section I and the September 2006 violation in Section III. Specifically, Respondent must provide public notice in accordance with 40 C.F.R. § 141.204. Public Notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the public notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring



requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

9. Except where a different reporting period is specified in paragraphs 7 and 8 above, upon the effective date of this Order Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to:

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

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of



violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 15th day of February, 2007.



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

