



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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EPA REGION VIII
HEARING CLERK

APR 06 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harry Washut, Registered Agent
Wagon Box Rv LLC
POB 92
Moran, WY 83013

Re: Administrative Order Violation
Docket No. SDWA-08-2009-0042
PWS ID # 5601580

Dear Mr. Washut:

On April 8, 2009, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order ("Order"), Docket No. SDWA-08-2006-0042, ordering Wagon Box Rv, LLC (Respondent) to comply with various regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*

Our records indicate that Wagon Box Rv, LLC, is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 7 and 9 on page 2 of the Order):

1. Within 90 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent long-term compliance with the total coliform bacteria MCL. 40 C.F.R. § 141.63. The plan shall include proposed system modifications (which must include, but is not limited to, installation of cross-connection control devices, improving the wellhead area to prevent contamination from entering the well and obtaining a Class 5 injection well permit for a large capacity septic system by the Wyoming Department of Environmental Quality (DEQ) Water Quality Division, estimated cost of the 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 to be within 6 months after EPA's approval of the plan. The Plan and schedule must be approved by EPA before construction or modifications can commence.

A plan and schedule submitted by Pilch Engineering on behalf of the Wagon Box Rv LLC to EPA on July 28, 2009, stated that a new drinking water well and wastewater treatment facility

would be installed. The plan was approved by EPA and incorporated into the Order via an Addendum on August 13, 2009. The plan committed to prepare a plat, usage permit, and subsurface investigation by September 15, 2009, with DEQ and EPA's approval of a water/wastewater design by November 30, 2009, and project completion by November 30, 2010. A drinking water well and wastewater treatment design has not been submitted to EPA or DEQ for approval by the plan's November 30, 2009, due date, constituting a violation of the Order. You must submit a water/wastewater design to EPA and DEQ for approval as soon as possible to ensure that final project completion will occur by November 30, 2010, as outlined in the Order Addendum.

2. Within 120 days of receipt of this Order, Respondent shall submit to EPA monthly reports on the progress made in implementing the plan and schedule required by the paragraph above. Each monthly report is due by the 10th day of the month following the end of each calendar month.

EPA has received no monthly progress reports from Respondent from August 2009 to the present. You must begin submitting monthly progress reports upon receipt of this letter.

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 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 or at the following address:

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

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

