UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

MAR 2 9 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 1961
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o John D. Pallesen, Chair
POB 730
Green River, WY 82935

Re: Notice of Safe Drinking Water Act Enforcement Action against Sandy Crossing Enterprises, Inc. PWS ID#5600112

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 Sandy Crossing Enterprises, Inc., Farson, 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. §§ 141.24(h), 141.151-155, 141.153(f), and 141.31(b) for: failure to monitor for pesticide/herbicide organic contaminants; failure to prepare and deliver a Consumer Confidence Report (CCR); failure to include violations in the CCR; and failure to report SDWA violations to EPA.

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,

Diane L. Sipe

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

Enclosure

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
http://www.epa.gov/region08

MAR 2 9 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 1886
RETURN RECEIPT REQUESTED

Mani Grewal, Director
Sandy Crossing Enterprises, Inc.
POB 239
Farson, WY 82932

Re: Administrative Order
Docket No. **SDWA-08-2005-0013**
PWS ID #5600112

Dear Mr. Grewal:

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 Sandy Crossing Enterprises, Inc. ("Sandy Crossing") is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.24(h), 141.151-155, 141.153(f), and 141.31(b) for: failure to monitor for pesticide/herbicide organic contaminants; failure to prepare and deliver a Consumer Confidence Report (CCR); failure to include violations in the CCR; and failure to report SDWA violations to EPA. **This is the third Order issued to Sandy Crossing in the last eighteen months. Further, Sandy Crossing is currently in violation of the previous two Orders.** An Administrative Order violation letter was previously sent concerning the first Order and one is being sent concurrently with this Order for violation of the second Order.

If Sandy Crossing complies with the enclosed Order for a period of at least twenty-four months, EPA may choose to close this 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.

Also 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

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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.

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 can be sent to Kathelene Brainich at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Brainich at (800) 227-8917, extension 6481, or (303) 312-6481. If you wish to have an 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 Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

Diane L. Sipe

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

Enclosures
Order
SBREFA

cc: Lippa Pannu, Sandy Crossing Enterprises, Inc.
Dr. David Barber, WY DOH (via email).
Dr. Tracy Murphy, WY DOH (via email)
Dr. Brent Sherard, WY DOH (via email)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF Sandy Crossing Enterprises, Inc. Farson, Wyoming Respondent Proceedings under Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. §300g-3(g)	)))))))))))	2005 MAR 29 AM 8:39 FILED EPA REGION VIII HEARING CLERK ADMINISTRATIVE ORDER Docket No. **SDWA-08-2005-0013**

The following Findings are made and Order is 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. Sandy Crossing Enterprises, Inc. (Respondent) is a corporation and therefore a "person" within the meaning of 40 C.F.R. § 141.2.

2. Respondent owns and/or operates a system, the Sandy Crossing Enterprises Water System (the System), located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "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 April 29, 2003 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of three wells. The System serves approximately 80 persons per day through 75 service connections and is operational year-round.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.24(h) requires all community and non-transient, non-community water systems to conduct sampling of their water during each three-year compliance period to determine compliance with the maximum contaminant levels (MCLs) for pesticide/ herbicide organic contaminants as stated in 40 C.F.R. § 141.61(c).

2. Respondent failed to monitor the System's water for pesticide/ herbicide organic contaminants in the

compliance period of 2002-2004, in violation of 40 C.F.R. § 141.24(h).

II.

1. 40 C.F.R. § 141.151-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1st each year.
2. Respondent failed to prepare and deliver a 2003 CCR, in violation of § 141.152-155.

III.

1. 40 C.F.R. § 141.151-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1st each year.
2. 40 C.F.R. § 141.153(f) requires the CCR to note any violations that occurred during the year covered by the report and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.
3. Respondent failed to include violation information in its 2002 CCR concerning the failure to install corrosion control treatment due to a copper action level exceedance and failure to monitor for nitrate and bacteriological quality (March and June), in violation of 40 C.F.R. § 141.153(f).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary

Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondent failed to report to EPA the noncompliance detailed in Sections I through III, 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. Within 30 days of the date of this Order, and according to the regulations thereafter, Respondent shall comply with the organic chemicals monitoring requirements as stated in 40 C.F.R. §141.24(h) to determine compliance with the MCLs for pesticide/herbicide organic contaminants appearing at 40 C.F.R. § 141.61. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).

2. Within 30 days of the effective date of this Order, Respondent shall prepare a 2003 CCR summarizing drinking water information from January through December 2003 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. The CCR shall identify the 2003 failure to monitor for nitrate, failure to install corrosion control, and

August 2003 bacteriological MCL violations in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects and actions taken by the system to address the violations. Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Respondent shall prepare and deliver future CCRs that comply with the requirements at 40 C.F.R. §§ 141.151-155.

3. Within 30 days of the effective date of this Order, Respondent shall revise the 2002 CCR summarizing drinking water information from January through December 2002 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.151-155. The 2002 CCR will include a cover letter with an explanation that the 2002 CCR is a corrected copy of the report sent in 2003. The CCR shall identify the failure to install corrosion control and the failure to monitor nitrate and bacteriological quality violations in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects of copper and the actions taken by the system to address the violations.

Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution.

4. 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 National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

5. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region VIII (8ENF-T)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

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 per day of violation, 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)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(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 29th day of March, 2005.

Michael T. Risner

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

Diane L. Sipe

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

1st page only

FUNDING OPTIONS FOR PRIVATELY-OWNED PUBLIC WATER SYSTEMS IN WYOMING

1st ~~Copy~~ page only

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-03-001 May 2003

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: http://www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
http://www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
http://www.epa.gov

Small Business Assistance Program
http://www.epa.gov/ttn/sbap

Office of Enforcement and Compliance Assurance
http://www.epa.gov/compliance

Compliance Assistance Home Page
http://www.epa.gov/compliance/assistance

Office of Regulatory Enforcement
http://www.epa.gov/compliance/civil/index.html

Office of Site Remediation Enforcement
http://www.epa.gov/compliance/cleanup

Innovative Programs for Environmental Performance
http://www.epa.gov/partners

Small Business Ombudsman
www.sba.gov/ombudsman

Recycled/Recyclable