UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

AUG 3 0 2005

Ref: ENF-W

CERTIFIED MAIL #7003 2260 0001 7791 5589
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Jack Knudson, Chair
310 W. 19th St., Suite 300
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water Act Enforcement Action against Independent Enterprises, LLC, and Certified Water Specialists, LLC
PWS ID # WY5600263

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to Independent Enterprises, LLC, and Certified Water Specialists, LLC, the owner and operator of the Hide-A-Way Mobile Home Park in Cheyenne, 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 the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.21(b), 141.23(d), 141. 86, 141.201, 141.31(b), 141.21(g)(2) for failure to monitor to total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive result; failure to monitor nitrate; failure to monitor lead and copper; failure to notify the public of the violations; and failure to report violations to EPA.

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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 Judy Binegar-Wilson of my staff at (303)312-6606.

Sincerely,

Diane L. Sipe

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

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DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

AUG 3 0 2005

Ref: 8ENF-W

CERTIFIED MAIL #7003 2260 0001 7791 5596
RETURN RECEIPT REQUESTED

Carol Mark, Registered Agent
Independent Enterprises, L.L.C.
214 South Greeley Hwy
Cheyenne, WY 82007

John Trefren
Certified Water Specialists LLC
3515 Campstool Road
Cheyenne,WY 82007

Re: Administrative Order
Docket No. SDWA-08-2005-0052
PWS ID # WY5600263

Dear Ms. Mark and Mr. Trefren:

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 Independent Enterprises, L.L.C. and Certified Water Specialists LLC ("Respondents") are suppliers of water as defined by the SDWA and that they have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.21(b), 141.23(d), 141. 86, 141.201, 141.31(b), 141.21(g)(2) for failure to monitor to total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive result; failure to monitor nitrate; failure to monitor lead and copper; failure to notify the public of the violations; and failure to report violations to EPA.

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 you to comply.

Printed on Recycled Paper

Among other things, the Order calls for Respondents to provide a public notification of violations of the SDWA. For your convenience, we have enclosed some template forms to assist you in providing the required public notice.

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 compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that your 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 should be sent to Judy Binegar-Wilson at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If Respondents wish to have an informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If Respondents are represented by an attorney, please feel free to ask your attorney to call Michelle Marcu, Enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

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
Public Notice template
SBREFA

cc: WY DEQ (via e-mail)
WY DOH(via e-mail)

Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 AUG 30 PM 2:22

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF Independent Enterprises, L.L.C. Kersey, Colorado	)	
Certified Water Specialists, LLC Cheyenne, Wyoming	)	
Respondents	)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g)	)	Docket No. **SDWA-08-2005-0052**

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. Independent Enterprises, L.L.C. ("Respondent") is a limited liability company under the laws of the State of Colorado as of May 21, 1999 and Certified Water Specialists, LLC ("Respondent") is a limited liability company under the laws of the State of Wyoming as of September 17, 1999, and are therefore "person(s)" within the meaning of 40 C.F.R. § 141.2 (collectively "Respondents").

2. Respondents own and/or operate a system, the Hide-A-Way Mobile Home Park Water System (the System), located in Cheyenne, 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. Respondents own and/or operate a public water system and are 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. Respondents are 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 a July 30, 2004 sanitary survey by an agent for EPA, Respondents operate a system that is supplied by a groundwater source and serves approximately 70 persons per day through 50 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires any public water system to monitor the water at least once per month that the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. Respondents failed to monitor the water for contamination by total coliform bacteria during the months of December 2001, February 2004 and May 2004, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21(b) requires any public water system to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.

2. Respondents failed to collect a set of repeat samples for the August 2002 total coliform positive routine sample, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.23(d) requires community and non-transient, non-community water systems with a groundwater source after a sample that was >50% of the MCL to monitor the water quarterly for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62(b).

2. Respondents failed to monitor the water for nitrate in the 1st (January – March) Quarter 2002 and 2nd (April-June) Quarter 2002, in violation of 40 C.F.R. § 141.23(d). The water has since been determined to be reliably and consistently below the MCL; therefore the System was returned to an annual monitoring schedule. Respondents have complied with annual monitoring requirements during 2003 and 2004.

IV.

1. 40 C.F.R. § 141.86 requires community and non-transient, non-community water systems to monitor tap water during each three year monitoring period for lead and copper after performing annual monitoring for three years.

2. Respondents monitored for lead and copper in 2001 but failed to monitor for an annual sample in 2000 and a triennial sample in 2002-2004, in violation of 40 C.F.R. § 141.86.

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondents have not provided public notice of the violations detailed in the preceding Sections I, III and IV, in violation of 40 C.F.R. § 141.201.

VI.

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. Respondents failed to report to EPA instances of noncompliance detailed in Sections III, IV, and V, in violation of 40 C.F.R. § 141.31(b).

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. Respondents failed to report to EPA instances of noncompliance detailed in Sections I and II in violation of 40 C.F.R. § 141.21(g)(2).

ORDER

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

1. Upon the effective date of this Order, Respondents shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondents 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).

2. Upon the effective date of this Order, Respondents shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondents 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. Respondents 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).

3. Within 30 days of the date of this Order, and per the regulations thereafter, Respondents shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondents 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).

4. No later than September 30, 2005, and per the regulations thereafter, Respondents shall monitor the water for lead and copper as required by 40 C.F.R. § 141.86. Respondents shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).

5. Within 30 days from the effective date of this Order, Respondents must provide public notice of the violation(s) specified under Section I, III, and IV of the Findings of Violation section in this Order **OR** Respondents may use an annual report detailing all violations and situations that occurred during the previous twelve months, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to

reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondents may use the Consumer Confidence Report ("CCR") to provide public notice as long as (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) The CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents 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).

6. Except where different reporting periods are specified below, upon the effective date of this Order, Respondents 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.

7. Upon the effective date of this Order, Respondents 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.

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

U. S. EPA Region 8 (8P-W-MS)
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 Respondents 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)(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 Respondents 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 30th day of August, 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

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)). All the language in the fluoride SMCL template (except the language discussed below) is mandatory (141.208).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

> *Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

Templates

Monitoring Violations Annual Notice–Template 3-1
Fluoride SMCL Notice–Template 3-2

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for HIDE-A-WAY MOBILE HOME PARK

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During recent years we did not complete all monitoring or testing for several contaminants and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
TOTAL COLIFORM	1 SAMPLE PER MONTH	DEC 2001, FEB. 2004, MAY 2004	LAST SAMPLE TAKEN 06/14/2005
NITRATE	1 SAMPLE ANNUALLY	1ST QTR, 2002; 2ND QTR 2002	LAST SAMPLE TAKEN 08/01/2004
LEAD AND COPPER	1 SAMPLE EVERY 3 YEARS	1 SAMPLE IN 2000 1 SAMPLE IN 2002-2004	PRIOR TO SEPTEMBER 30, 2005

What happened? What is being done?

[Describe corrective action.]

For more information, please contact Larry Neuschwanger at (307) 637-7114 or 25829 Sandy Knolls Boulevard, Kersey, CO 80644.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Hide-a-Way Mobile Home Park. State Water System ID#: 560-0263.
Date distributed:

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
Printed with Soy/Canola ink on paper that contains at least 30% post consumer fiber