



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cherie A. Zube
Crook County Saloon
17929A US Hwy 14 W.
Sundance, WY 82729

Robert and Elizabeth Gains
POB 326
Hullette, WY 82720

Joseph and Alitha Edwards
US Hwy 14
Sundance, WY 82729

Re: Administrative Order
Docket No. **SDWA-08-2003-0002**
PWS ID #5601478

Dear Ms. Zube, Mr. and Mrs. Gains and Edwards:

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 Crook County Saloon is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.201 and 141.21(g)(2) for failure to: monitor for bacteriological quality; notify the public of the violations; and report the violations to EPA, respectively.

If you comply 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 \$27,500 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.

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



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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 may be sent to Kathelene Brainich at the address on the letterhead, include the mailcode 8ENF-T, 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 or have legal questions, please call James Stearns at the above 800 number, extension 6912, or at (303) 312-6912.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

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

Enclosures
Order
Public Notice template
SBREFA

cc: Larry Robinson, WY DEQ (w/enclosure)
Dr. Karl Musgrave, WDH (w/enclosure)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Crook County Saloon
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REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8ENF-T

Crook County Commissioners
c/o Merle Clark
Box 37
Sundance, WY 82729

RE: Notice of Safe Drinking Water
Act Enforcement Action against
Crook County Saloon
PWS ID #5601478

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 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 Crook County Saloon located in Sundance, WY. The Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Crook County Saloon is in violation of 40 C.F.R. §§ 141.21(a), 141.201, and 141.21(g)(2) for failing to: monitor for total coliform bacteria; notify the public of the violations; and report the violations to EPA, respectively.

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 (800) 227-8917 extension 6481.

Sincerely,

SIGNED

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 8

IN THE MATTER OF)	
)	
Cherie Zube)	
Robert and Elizabeth Gaines)	
Joseph and Alitha Edwards)	
Crook County Saloon)	
Sundance, 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-08-2003-0002

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 VIII.

FINDINGS

1. Cherie Zube, Robert and Elizabeth Gaines, and Joseph and Alitha Edwards (Respondents) are individuals and therefore "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the Crook County Saloon Water System (the "System"), located in



Crook County, Wyoming for the provision to the public of piped water for human consumption.

3. The Crook County Saloon Water 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 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 "non-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 "suppliers 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, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a October 2001 sanitary survey by an agent for EPA, Respondents operate a system that is supplied by one spring with filtration treatment. The system serves approximately 45 persons per day through 1 service connection and is open all year.

FINDINGS OF VIOLATION

I.



1. 40 C.F.R. § 141.21(a) 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. Respondents failed to monitor the water for contamination by total coliform bacteria during the 1st (January-March) and 2nd (April-June) quarters of 2002 and the 1st (January-March) quarter of 2001, in violation of 40 C.F.R. § 141.21(a).

II.

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 monitoring requirements, and testing procedures found in 40 C.F.R. Part 141.
2. Respondents have not provided public notice of the 1st quarter 2001 noncompliance detailed in the preceding Section I, in violation of 40 C.F.R. § 141.201.

III.



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 the noncompliance detailed in Section I, 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 quarterly bacteriological monitoring. Respondents shall comply 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. No later than one year from the effective date of this Order, Respondents must provide public notice of the monitoring violations specified under the Findings of



Violation 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 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 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, 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).



3. 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.
4. 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 instituted under Section 1414(g)(3)(A), 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondents to an administrative civil penalty of up to \$25,000 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 \$27,500 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 instituted under Section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondents to a civil penalty of not more than \$27,500 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 9TH day of JANUARY, 2003.

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

SIGNED
Diane L. Sipe, Director
Technical Enforcement Program



Office of Enforcement, Compliance
and Environmental Justice

**FILED WITH THE REGIONAL HEARING CLERK ON JANUARY 9, 2003. FOR
COPIES OF THE ATTACHMENTS PLEASE CONTACT THE HEARING CLERK AT
303-312-6765.**

