



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

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

Ref: 8ENF-W

AUG 23 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Jack Knudson, Chair
POB 608
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Town of Albin, PWS ID#5600189

Dear County Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Albin, Wyoming. This Order requires that the Town take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The Town of Albin is in violation of 40 C.F.R. §§ 141.23(d), 141.23(d)(2), 141.21, 141.26(a), 141.152-155(c), 141.31(b), and 141.21(g)(2) for failure to: monitor for nitrate, monthly bacteriological quality, and radionuclides; provide a timely copy and certification of the consumer confidence report; and report the 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,

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



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AUG 23 2007

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Lon Johnson, Mayor
Town of Albin
POB 188
Albin, Wyoming 82050

Re: Administrative Order
Docket No. **SDWA-08-2007-0074**
PWS ID # 5600189

Dear Mayor Johnson:

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 the Town of Albin 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. §§ 141.23(d), 141.23(d)(2), 141.21, 141.26(a), 141.21, 141.155(c), 141.31(b), and 141.21(g)(2) for failure to: monitor for nitrate, monthly bacteriological quality, and radionuclides; provide a timely copy and certification of the consumer confidence report; and report the violations to EPA. EPA was prepared to close the previous Order issued to the Town on December 17, 2003, Docket # SDWA-2004-0008, as the plan to prevent total coliform maximum contaminant level (MCL) violations was completed in 2004 and no further total coliform MCL violations have occurred since that time. However, since the Town does not currently have a permanent operator EPA will keep the first Order open in addition to issuing this second Order.

As a reminder, the Town must collect a pair of TTHM/HAA5 samples during 3rd quarter (July-September) 2007 to comply with the Stage 1 Disinfection Byproducts Rule, as was relayed to the Town by EPA's contractor Lee Michalsky when he provided the Town with technical assistance in January 2007. The Town was required to perform this monitoring when chlorination began in 2004, however, since the Town was not adequately notified of this requirement we have not included this failure to monitor violation in the Order at this time. The best sampling time would be July or August when water temperature is the highest and samples must be taken at a location representing the longest residence time in the distribution system. Also, the following chemical monitoring is required to be completed by December 31, 2007: inorganic, volatile organic, and synthetic organic chemicals.

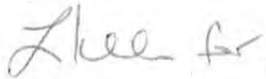
Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.

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 you may call Ms. Brainich at (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 feel free to ask your attorney to call Peggy Livingston, Enforcement attorney, at (303) 312-6858.

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

cc: WY DEQ & DOH via email

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Town of Albin)
Albin, Wyoming)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

2007 AUG 23 AM 10:14

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

DOCKET NO. : SDWA-08-2007-0074

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. The Town of Albin (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Albin Water System (the System), located in Laramie 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 a December 21, 2004, sanitary survey by an agent for EPA, the System is supplied by three wells, provides disinfection treatment, and serves approximately 128 persons per day through 111 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.23(d) requires water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent monitored for nitrate on October 7, 2004, and May 18, 2006, but failed to monitor in 2005, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.23(d)(2) requires each community and non-transient, non-community water system with a groundwater source to monitor quarterly for nitrate for at least one year following any sample in which the concentration is $\geq 50\%$ of the maximum contaminant level (MCL) of 10 mg/L. The sampling frequency may be reduced to annually after four consecutive quarterly samples are reliably and consistently less than the nitrate MCL of 10 mg/L as stated in 40 C.F.R. § 141.62(b).
2. Respondent sampled for nitrate on May 18, 2006, at well #2 (Tower well) and #3 (railroad well). Nitrate results for well #3 were 10.0 mg/L and for well #2 were 5.3 mg/L, both of which were $\geq 50\%$ of the MCL stated in 40 C.F.R. § 141.62(b).

Respondent failed to monitor for nitrate during the 3rd (July-September) and 4th (October-December) quarters of 2006, and the 1st (January-March) and 2nd (April-June) quarters of 2007, in violation of 40 C.F.R. § 141.23(d)(2).

III.

1. 40 C.F.R. § 141.21 requires community water systems to monitor their water at least once per month 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 water for contamination by total coliform bacteria in March 2007, November 2006 (sample not analyzed), and December 2005 (sample not analyzed), in violation of 40 C.F.R. § 141.21.

IV.

1. 40 C.F.R. § 141.26(a) requires community water systems to monitor their water for radionuclides consisting of four consecutive, quarterly samples by December 31, 2007, to determine compliance with the MCL as stated in 40 C.F.R. § 141.66.
2. Respondent failed to monitor the System's water for radionuclides during 1st quarter (January-March) 2007, in violation of 40 C.F.R. § 141.26(a).

V.

1. 40 C.F.R. § 141.155(c) requires each community water system to distribute an annual Consumer Confidence Report (CCR) to its customers and provide a copy of the report to EPA by July 1. (The July 1st deadline is stated in 40 C.F.R. § 141.152(b).)

2. Respondent failed to submit a copy of its 2006 and 2005 CCRs to EPA by July 1, 2007, and July 1, 2006, respectively, in violation of 40 C.F.R. § 141.155(c). Respondent submitted its 2005 CCR to EPA on September 1, 2006.

VI.

1. 40 C.F.R. § 141.155(c) requires each community water system to submit a certification to EPA by October 1 that its annual CCR has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to EPA.
2. Respondent failed to provide EPA with a certification for the 2004 CCR by October 1, 2005, in violation of 40 C.F.R. § 141.155(c). Respondent submitted this certification after that deadline.

VII.

1. 40 C.F.R. § 141.31(b) requires each public water system to report any failure to comply with any National Primary Drinking Water Regulation (NPDWR) (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the failure to monitor violations detailed in Sections I, II and IV and the CCR violations detailed in Sections V and VI, in violation of 40 C.F.R. § 141.31(b).

VIII.

1. 40 C.F.R. § 141.21(g)(2) requires each public water system that has 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 failure to monitor total coliform violations detailed in Section III, 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. Within 30 days of the date of this Order, and quarterly thereafter until notified by EPA in writing of a different monitoring schedule, Respondent 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). When no longer required to sample quarterly, Respondent shall sample for nitrate annually in the quarter that resulted in the highest analytical result, according to 40 C.F.R. § 141.23(d). Respondent 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).
2. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. 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).
3. Within 30 days of the date of this Order, and quarterly thereafter until notified by EPA in writing of a different monitoring schedule, Respondent shall monitor the System's water for radionuclides, as required by 40 C.F.R. § 141.26(a), to determine compliance with the MCLs stated at 40 C.F.R. § 141.66. Respondent



shall monitor for radionuclides according to the regulations once no longer required to sample quarterly. 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).

4. Upon the effective date of this Order, Respondent shall complete and distribute an annual CCR and provide EPA a copy of the CCR by July 1 and a certification by October 1, in compliance with 40 C.F.R. § 141.155(c).
5. 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.
6. Except where a different reporting period is specified in paragraph 5 above, 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.
7. 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

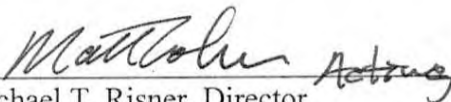
GENERAL PROVISIONS

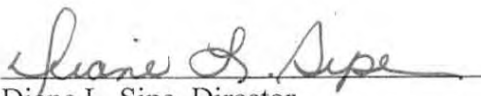
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which

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 23rd day of August, 2007.


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


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

