



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W

SEP 19 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fremont County Commissioners
c/o Doug Thompson, Chair
450 North 2nd Street, Room 205
Lander, WY 82520

Re: Notice of Safe Drinking Water Act Enforcement
Action against Jeffrey City Water & Sewer
District Public Water System
PWS ID # WY5600106

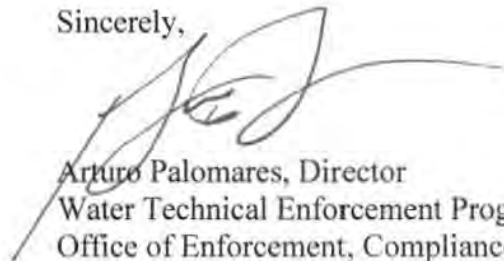
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Jeffrey City Water & Sewer District (District). This Order requires that the District take measures to return the Jeffrey City Water & Sewer District public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for IOCs, SOCs, VOCs and nitrate, failure to take repeat and additional routine samples after a total coliform positive sample, failure to submit a source water sample after a total coliform positive sample, failure to prepare, distribute and certify accurate Consumer Confidence Reports and failure to report such violations to the EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
Order



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SEP 19 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

D.J. Darnell, Chairman
Jeffrey City Water & Sewer District
P.O. Box 100
Jeffrey City, WY 82310

Corliss Moody, operator
Jeffrey City Water & Sewer District
P.O. Box 507
Jeffrey City, WY 82310

Re: Administrative Order
Jeffrey City Water & Sewer District
Docket No. **SDWA-08-2012-0053**
PWS ID #5600106

Dear Mr. Darnell and Ms. Moody:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Jeffrey City Water & Sewer District (District), as owner and/or operator of the Jeffrey City Water & Sewer District public water system (System) has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If the District complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

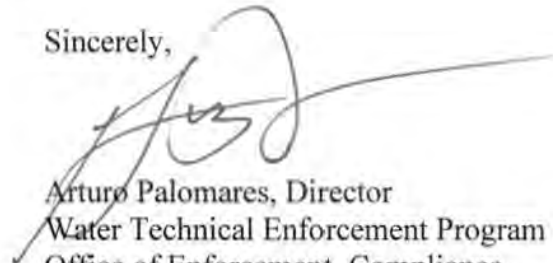
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires the District to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467 or (303) 312-6467. Any questions from the District's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order

Triggered Source Monitoring Sample Collection and Reporting Form

SBREFA Information Sheet

Public Notice Template

cc:

WY DEQ/DOH (via email)

Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 SEP 19 AM 9:43

IN THE MATTER OF:)

Jeffrey City Water & Sewer District,)

Respondent.)

Docket No. **SDWA-08-2012-0053**

ADMINISTRATIVE ORDER

FILED
REGION VIII
STANLEY BLAIR

1. This 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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Jeffrey City Water & Sewer District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Jeffrey City Water & Sewer District Water System (System), which provides piped water to the public in Fremont County, Wyoming for human consumption
3. The System is supplied by a groundwater source consisting of 1 well with chlorination. The System's water is not treated to at least a 4-log, or 99.99%, removal of viruses.
4. The System has approximately 25 service connections used by year-round residents and/or regularly serves an average of approximately 40 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System's water within 24 hours of being notified of the total coliform positive samples taken on September 1, 2011 and May 7, 2012 and, therefore, violated this requirement.
8. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on September 1, 2011 and May 7, 2012, Respondent failed to take at least five routine samples of the System's water in October 2011 and June 2012 and, therefore, violated this requirement.

9. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified that routine samples (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) were positive for total coliform on September 1, 2011 and May 7, 2012. Respondent submitted a source water sample on October 15, 2011, however, the ground water source sample was not collected within 24 hours. No source water sample was collected following the May 7, 2012 positive total coliform sample and, therefore, for both of the above omissions Respondent violated 40 C.F.R. § 141.402.
10. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2010, and, therefore, violated this requirement.
11. Respondent is required to monitor the System's water for certain inorganic contaminants at least once every three years. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for inorganic contaminants during 2008-2010 and, therefore, violated this requirement.
12. Respondent is required to monitor the System's water at least once every three years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for volatile organic contaminants during 2008-2010, and, therefore, violated this requirement.
13. Respondent is required to monitor the System's water for synthetic organic (pesticide / herbicide) contaminants at least once in every three-year compliance period, including 2008-2010. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during 2008-2010, and, therefore, violated this requirement.
14. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for 2011 to the System's customers and to the EPA. Respondent failed to deliver by July 1st an annual CCR for 2007, and therefore, violated these requirements.
15. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7, and 9 through 13, above, and, therefore, violated this requirement. Public Notice for the 2012 failure to monitor violations in paragraphs 7 through 9 are not yet overdue.
16. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed



to report the violations cited in paragraphs 7 and 8, above, to EPA and, therefore, violated this requirement.

17. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 9 through 14 to the EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

18. If any total coliform routine sample for the System is positive for total coliform, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of the positive result, following the procedures in 40 C.F.R. § 141.21.

19. If any routine sample for the System is positive for total coliform, Respondent shall collect at least five routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21.

20. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its ground water source for E. coli analysis, and submit results using the Triggered Source Monitoring Sample Collection and Reporting Form. If the sample is negative, Respondent shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.

21. Within 30 days of receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

22. Respondent shall monitor the System's water for inorganic contaminants as required by the Drinking Water Regulations. Respondent most recently monitored the System's water for inorganic contaminants on February 28, 2011. Respondent is next required to sample for inorganic contaminants during the 2014-2016 triennial period. 40 C.F.R. § 141.23(a) and (c). Respondent shall report any



analytical results to the 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).

23. Respondent shall monitor the System's water for volatile organic contaminants as required by the Drinking Water Regulations. Respondent most recently monitored the System's water for volatile organic contaminants on February 28, 2011. Respondent is next required to sample for volatile organic contaminants during the 2014-2016 triennial period. 40 C.F.R. § 141.24(f)(5). Respondent shall report any analytical results to the 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).

24. Respondent shall monitor the System's water for synthetic (pesticide / herbicide) organic contaminants as required by the Drinking Water Regulations. Respondent most recently monitored the System's water for synthetic (pesticide / herbicide) organic contaminants on February 28, 2011. Respondent is next required to sample for synthetic (pesticide / herbicide) organic contaminants during the 2014-2016 triennial period. 40 C.F.R. § 141.24(h). Respondent shall report any analytical results to the 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).

25. Within 30 days after receipt of this Order, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System for 2011 and distribute the report to the System's customers and the EPA. No later than three months thereafter, Respondent shall certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

26. If Respondent violates any coliform monitoring requirement in 40 C.F.R. part 141, Respondent shall report this violation to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

27. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

28. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 9 through 13, above, following the instructions provided with the public notice template provided to Respondent with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.



29. Respondent shall direct all reporting required by this Order to:

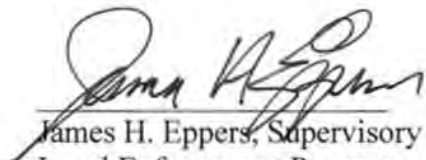
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

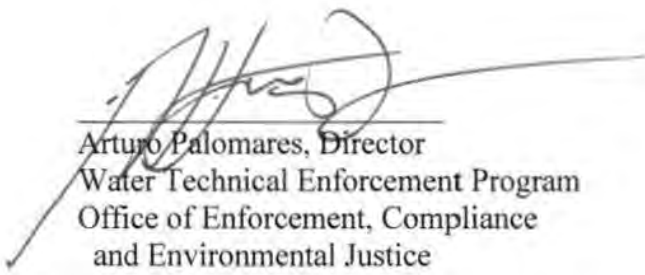
GENERAL PROVISIONS

30. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

31. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: 9/19, 2012


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



WY and Tribal- Ground Water Rule

SOURCE WATER SAMPLING

Triggered Source Monitoring Sample Collection And Reporting Form

Sampler(s) Section (For field sampler use only):

Utility Information Public Water System (PWS) Name:		Sampler's Name:	
PWS Identification Number (PWSID):		Phone Number:	
PWS Street Address:		City:	State: Zip Code:
Sample Collection Date Time		Sampling Location (i.e. "SOURCE-Well #4"):	
		<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement	
		<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement	
		<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement	
		<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement	
		<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement	
Sampler(s) name (Print):		Sampler(s) signature:	Date signed:

Laboratory Section (For laboratory use only):

Laboratory Information Laboratory Name:			Laboratory Phone Number:			Date/Time Sample Received:			
Lab Specimen ID	Sample Location	Analytical Method Used	Total Coliform P/A/NA	E. coli P/A/NA	Analysis Start		Analysis Complete		Comments
					Date	Time	Date	Time	
Analyst(s) Signature:					Date signed:				

Send Copies Of Completed Forms To: Ground Water Rule Manager, Tiffany Mifflin
 Email: mifflin.tiffanv@ena.gov

Monitoring Violations Annual Notice – Template 3-1A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Jeffrey City Water & Sewer District

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 2010 we did not monitor for nitrate, inorganic contaminants (IOCs), volatile organic contaminants (VOCs), and pesticide/herbicide (synthetic) contaminants (SOCs) and therefore cannot be sure of the quality of your 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 2010, how often we are supposed to sample for these contaminants, 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 taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
IOCs, VOCs, SOCs	1 sample every three years	0	2008-2010	February 28, 2011
Nitrate	1 sample every year	0	2010	February 28, 2011

What is being done? 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.

For more information, please contact Ms. Corliss Moody at 307-540-8042 or Corliss@wbaccess.net

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.

Date distributed: _____

Certification

After delivering this notice, enter the date delivered, sign below and send a copy to:

Olive Hofstader
Environmental Protection Agency
1595 Wynkoop Street, Attn: 8ENF-W
Denver, CO 80202

Date and method of delivery _____

Signature _____

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

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 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 [40 CFR 141.204(c)]:

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

Noncommunity systems must use one of the following [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 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 already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 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. If you do modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, 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 [40 CFR 141.31(d)].