



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

SEP 30 2015

2015 SEP 30 AM 10: 22  
FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Troy Nolan  
Chairman, Bear River Regional Joint Powers Board  
Bear River Town Hall  
81 Elk Drive  
Bear River, Wyoming 82930

Re: Administrative Order issued to the Bear River Regional Joint Powers Public Water System, PWS ID # WY5601019, Docket No. **SDWA-08-2015-0054**

Dear Mr. Nolan:

Enclosed is an Administrative Order (Order) issued by the United States 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 Bear River Joint Powers Board (Board), as owner and/or operator of the Bear River Regional Joint Powers 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 pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any public notices issued but not provided to the EPA, any changes made to the public water system since the last sanitary survey, etc.).

If the Board 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.

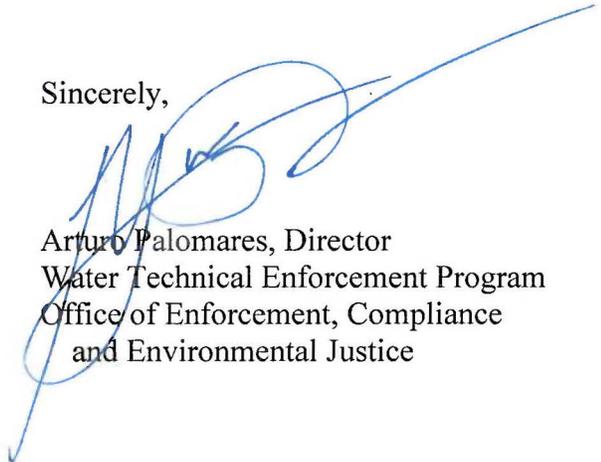
Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of the plan and schedule does not substitute for any other approval that may be required by any other governmental entity for

modifying the System. The EPA encourages the Respondent to contact any such governmental agency or agencies regarding any applicable approval requirements.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov) or phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the Board's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or phone at (800) 227-8917, extension 6554, or (303) 312-6554.

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
- SBREFA Information Sheet

- cc: WY DEQ/DOH (via email)  
Ms. Tina Artemis, EPA Regional Hearing Clerk  
Mr. David K. Dasher, Operator, Bear River Regional Joint Powers Public Water System



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Uinta County Commissioners  
c/o Craig Welling, Chairman  
Uinta County Courthouse  
225 9<sup>th</sup> Street  
Evanston, Wyoming 82930-3415

Re: Notice of Safe Drinking Water Act Enforcement Action against the Bear River Regional Joint Powers Water System, PWS ID # WY5601019 **DOCKET NO. :SDWA-08-2015-0054**

Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Bear River Regional Joint Powers Board which owns and/or operates the Bear River Regional Joint Powers Public Water System, located in Uinta County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include exceeding the maximum contaminant level for total trihalomethanes, a disinfection byproduct, failing to monitor for disinfection byproducts, exceeding the maximum contaminant level for total coliform bacteria, failing to monitor for total coliform bacteria, failing to provide the EPA with certified copies of public notices of certain violations, and failing to report certain 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 Jill Minter at (303) 312-6084.

Sincerely,

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

Enclosure:  
Administrative Order



the third quarter 2014) and the 4<sup>th</sup> quarter 2014 (from the first quarter 2014 to the fourth quarter 2014) and, therefore, Respondent violated the TTHM MCL.

9. Respondent is required to collect a set of TTHM and haloacetic acids (HAA5) samples in the System's distribution system at least quarterly (40 C.F.R. § 141.621) at the locations and dates specified in the Monitoring Plan (40 C.F.R. § 141.622(a)(1)). Respondent failed to monitor the System's water for TTHM and HAA5 during September 2014 and, therefore, violated this requirement. Respondent did collect a set of TTHM and HAA5 samples in October, 2014.

10. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the MCL for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of October 2013, two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.

11. 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 took only 1 of 4 repeat samples within 24 hours of being notified of an October 14, 2014, result that was positive for total coliform and, therefore, violated this requirement.

12. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least 5 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 October 14, 2014, Respondent took only 2 of 5 routine samples of the system's water in November 2014 and, therefore, violated this requirement.

13. Respondent is required to notify the public of certain violations of the Drinking Water Regulations and, within 10 days after having completed public notice requirements, provide the EPA with a representative copy of each type of public notice that was distributed and a certification of having notified the public in full compliance with the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211 and 40 C.F.R. § 141.31(d). Respondent did not provide the EPA with certified copies of the public notices for the TTHM MCL violations, cited in paragraph 8, and, therefore, violated these requirements.

14. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the MCL violation cited in paragraph 10, above, and, therefore, violated this requirement.

15. 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 11 and 12, above, to EPA and, therefore, violated this requirement.



16. 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 8, 9 and 13, above, 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):

17. Within 90 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule to bring the System into and maintain compliance with the TTHM MCL as identified in 40 C.F.R. § 141.64. The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within one year of the project completion date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.

18. The schedule required by paragraph 17, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

19. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 17, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM MCL. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.

20. Within 10 days after completing all tasks included in the schedule required by paragraph 17, above, Respondent shall notify the EPA of the project's completion.

21. The System shall achieve compliance with the TTHM MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

22. Respondent shall monitor for TTHM and HAA5 every 90 days at the locations and on the dates identified in the Monitoring Plan, as required by 40 C.F.R. § 141.620 – 141.622. Respondent shall monitor at the specific locations during the months of March, June, September and December per the August 13, 2013, Monitoring Plan. Respondent shall submit the results of the LRAA compliance calculations to the EPA within 10 days following the end of each compliance period. 40 C.F.R. § 141.629(a).

23. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the EPA with a compliance



plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.

24. The schedule required by paragraph 23, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

25. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 23, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the total coliform MCL. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.

26. Within 10 days after completing all tasks included in the schedule required by paragraph 23, above, Respondent shall notify the EPA of the project's completion.

27. The System shall achieve compliance with the total coliform MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

28. If any total coliform 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, and at least 5 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. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

29. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a representative copy of each public notice given of the violations specified in paragraph 8 and a certification of having provided public notice of each such violation in full compliance with the Drinking Water Regulations, as required by 40 C.F.R. § 141.31(d). 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.

30. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the next business day after learning of the violation, as required by 40 C.F.R. § 141.21(g)(1).



31. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

32. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

33. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

34. Respondent shall send all reporting and notifications required by this Order in writing to:

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

#### **GENERAL PROVISIONS**

35. 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.

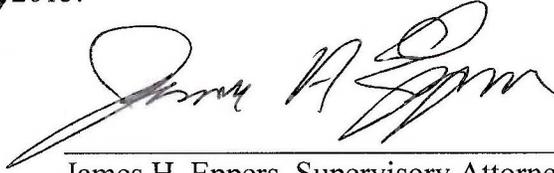
36. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

37. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

38. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

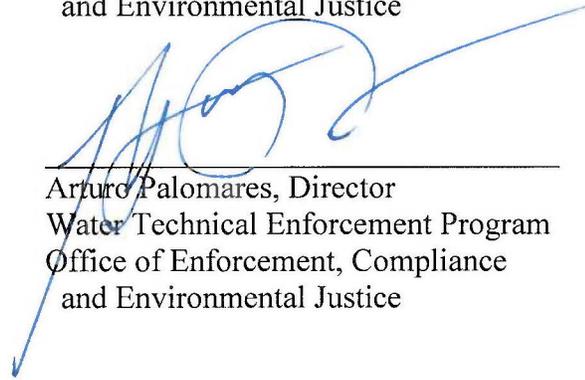


Issued: September 30, 2015.



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



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





## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### **Small Business Programs**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### **EPA's Asbestos Small Business Ombudsman**

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### **EPA's Compliance Assistance Homepage**

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### **EPA's Compliance Assistance Centers**

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### **Agriculture**

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### **Automotive Recycling**

[www.ecarcenter.org](http://www.ecarcenter.org)

### **Automotive Service and Repair**

[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### **Chemical Manufacturing**

[www.chemalliance.org](http://www.chemalliance.org)

### **Construction**

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### **Education**

[www.campuserc.org](http://www.campuserc.org)

### **Food Processing**

[www.fpeac.org](http://www.fpeac.org)

### **Healthcare**

[www.hercenter.org](http://www.hercenter.org)

### **Local Government**

[www.lgean.org](http://www.lgean.org)

### **Metal Finishing**

[www.nmfrc.org](http://www.nmfrc.org)

### **Paints and Coatings**

[www.paintcenter.org](http://www.paintcenter.org)

### **Printing**

[www.pneac.org](http://www.pneac.org)

### **Ports**

[www.portcompliance.org](http://www.portcompliance.org)

### **Transportation**

[www.tercenter.org](http://www.tercenter.org)

### **U.S. Border Compliance and Import/Export Issues**

[www.bordercenter.org](http://www.bordercenter.org)

### **EPA Hotlines, Helplines and Clearinghouses**

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### **Clean Air Technology Center (CATC) Info-line**

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### **Superfund, TRI, EPCRA, RMP and Oil Information Center**

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### **EPA Imported Vehicles and Engines Public Helpline**

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### **National Pesticide Information Center**

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### **National Response Center**

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### **Pollution Prevention Information Clearinghouse (PPIC) -**

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### **Safe Drinking Water Hotline -**

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*