



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

JAN 14 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Goshen County Commissioners
c/o Jim Hudelson, Chairman
2125 East A Street
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act Enforcement
Action against Grandma's Inn, Inc.
PWS ID # WY5600416

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Grandma's Inn, Inc., located in Torrington, WY, 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 coliform bacteria; and failing to report the violations to the EPA and the public.

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 Mario Mérida at (303) 312-6297.

Sincerely,

Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glenna Madden, Registered Agent
Grandma's Inn, Inc.
4577 U.S. Highway 26 85
Torrington, WY 82240

Re: Administrative Order
Grandma's Inn
Public Water System
Docket No. **SDWA-08-2010-0012**
PWS ID # WY5600416

Dear Ms. Madden:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Among other things, the Order alleges that Grandma's Inn, Inc. has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Grandma's Inn, Inc. complies with the Order, 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 Order requires Grandma's Inn, Inc. to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template to assist in providing that notice.

To submit information or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the corporation's attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor", with a long horizontal flourish extending to the right.

Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ (via e-mail)
WY DOH (via e-mail)
Sherry Craig, Manager, Grandma's Inn

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JAN 14 AM 10:26

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF: _____)
Grandma's Inn, Inc., _____)
Respondent _____)

Docket No. **SDWA-08-2010-0012**
ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Grandma's Inn, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Grandma's Inn Water System, which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well. The water is not regularly treated.
4. The system has approximately 14 service connections and/or regularly serves at least 25 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If more than one sample collected in any month from the system's water is positive for total coliform, the Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). More than one total coliform sample collected in July and August of 2009 from the system was positive for total coliform. Therefore, Respondent violated this requirement.
8. Respondent is required to report any sampling results that exceeded the MCL for total coliform to EPA by the end of the next business day after it learns of the violation.

40 C.F.R. § 141.21(g)(1). Respondent failed to report to EPA the MCL violations listed in paragraph 7, above, and, therefore, violated this requirement.

9. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the August 2009 violation listed in paragraph 7, above, and, therefore, violated this requirement.

10. Respondent is required to report any violation of any drinking water regulation to EPA within 48 hours, except where the drinking water regulations specify a different time period. Respondent failed to report the violation cited in paragraph 9 to 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):

11. Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63(a)(2).

12. Within 60 days of receipt of this Order, Respondent shall complete installation of continuous disinfection equipment for the system and shall ensure its proper operation. Respondent shall also submit to EPA within 60 days a list of all actions that have been completed to address recommendations in EPA's August 20, 2009, letter. Please note that separate permit approval will be required by the Wyoming Department of Environmental Quality before modifications can be made to the system.

13. Respondent shall notify EPA within 10 days after the disinfection treatment has been installed.

14. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall notify EPA of this violation by the end of the business day after Respondent discovers the MCL violation, as required by 40 C.F.R. § 141.21(g)(1).

15. Within 30 days of receiving this Order, Respondent shall notify the public of the August 2009 violation cited in paragraph 7, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Respondent shall submit a copy of the completed public notice to EPA. Respondent shall notify the public following any future drinking water violation per 40 C.F.R. § 141.201 *et seq.*



16. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours or, if another time period for reporting is specified in this Order or the drinking water regulations, within that time period.
17. Respondent shall direct all reporting required by this Order to:

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

GENERAL PROVISIONS

18. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.
19. 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: January 14, 2010

David Rochlin

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

Darcy O'Connor

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Instructions for Resolved Total Coliform Notice – Template 2-2

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(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 (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

After Issuing the Notice

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in Grandma's Inn's Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 12 samples to test for the presence of coliform bacteria during August 2009. Seven of our samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

What is being done?

Additional routine samples in September were taken. Further testing shows that this problem has been resolved.

For more information, please contact Sherry Craig at 307-532-7079 or P.O. Box 670, Torrington, WY 82240.

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 Grandma's Inn. State Water System ID#: WY5600416.
Date distributed: