



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 27 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Platte County Commissioners
c/o Terry Stevenson, Chairman Pro Tem
P.O. Box 728
Wheatland, WY 82201

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Hartville Public Water System
PWS ID #WY 5600186

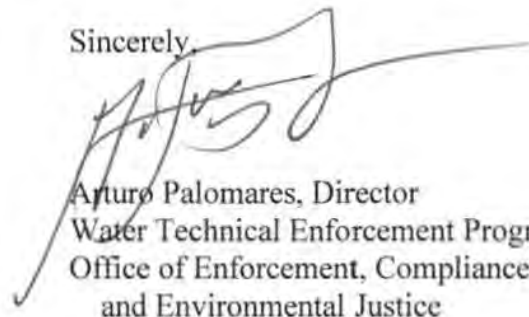
Dear Chairman Stevenson:

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 to the Town of Hartville. This Order requires that the Town of Hartville take measures to return the Town of Hartville Public Water System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for nitrate and total coliform; late reporting for nitrate, radionuclides and other chemical contaminants; failure to prepare and distribute the annual consumer confidence report; failure to notify the public of these violations; and failure to report these violations to the EPA.

For more details, 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 Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure



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SEP 27 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Darrell Offe
Mayor, Town of Hartville
P.O. Box A
Hartville, WY 82215

Re: Administrative Order
Town of Hartville, WY
Hartville Public Water System
Docket No. **SDWA-08-2012-0059**
PWS ID #WY5600186

Dear Mayor Offe:

Enclosed is an Administrative Order (Order) issued by the 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 Town of Hartville (Town), as owner and/or operator of the Hartville 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.

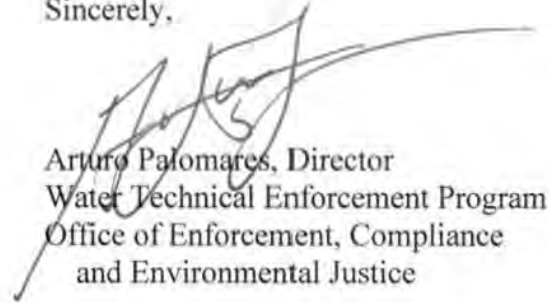
If the Town complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance

The Order requires the Town 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 Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084 or (303) 312-6084. Any questions from the Town's attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

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
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
James Winkoff, Operator, Hartville Public Water System

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 SEP 27 AM 11:48

IN THE MATTER OF:)

Town of Hartville, WY,)

Respondent.)

Docket No. SDWA-08-2012-0059

FILED
REGION VIII
SEP 27 2012
EPA REGION VIII
OFFICE OF ENR

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States 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 Town of Hartville (Respondent) is a municipality that owns and/or operates the Town of Hartville Water System (System), which provides piped water to the public in Platte County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of two wells. The water is chlorinated.
4. The System has approximately 36 service connections used by year-round residents and/or regularly serves an average of approximately 78 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. 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 2011 and, therefore, violated this requirement.
8. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor during the months of February 2010, June 2011 and April 2012 and, therefore, violated this requirement.
9. Respondent is required to monitor the residual disinfectant level in the System's distribution system at the same time and place as total coliforms are to be sampled under 40 C.F.R. §§ 141.21 and 141.132(c)(1). Respondent failed to monitor the System's water for residual disinfectant at the time it

monitored for total coliform in May of 2012 (or at any other time in that month) and, therefore, violated this requirement.

10. Respondent is required to report the results of testing for nitrates, inorganic contaminants (IOCs), volatile organic contaminants (VOCs), synthetic organic contaminants (SOCs) and radionuclides to the EPA no later than (1) the first 10 days following the month in which the results are received or (2) the first 10 days following the end of the required monitoring period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondent failed to report its monitoring results for nitrates, IOCs, VOCs and SOCs, collected on May 10, 2010, and for radionuclides, collected on July 31, 2007, to the EPA within this time period and, therefore, violated this requirement.

11. 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 by October 1st of each year. 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 2010 and 2011 to the System's customers and to the EPA. Respondent also failed to provide a certification to the EPA for 2010. Therefore, Respondent violated these requirements. The deadline for certification of the 2011 CCR is October 1, 2012, and has not yet passed.

12. 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 June 2011 total coliform monitoring violation cited in paragraph 8 above, and, therefore, violated this requirement. Respondent did notify the public of the February 2010 total coliform monitoring violation. Public notice for the April 2012 total coliform monitoring violation and the monitoring violations in paragraphs 7 and 9 above are not yet overdue.

13. 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 paragraph 8 and, therefore, violated this requirement.

14. 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 7, 9, 10, 11 and 12 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:

15. 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.



16. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. 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).

17. Respondent shall monitor the residual disinfectant level in the System's water in the distribution system at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.132(c)(1) and 141.21. No later than 10 days after the end of each month, Respondent shall report residual disinfectant sample results required by 40 C.F.R. § 141.132(c)(1) to the EPA, as required by 40 C.F.R. § 141.134.

18. 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 2010 and 2011 and distribute the report to the System's customers and the EPA. Upon distributing the CCR to EPA, 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.

19. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 8 and 9, above, following the instructions provided with the public notice templates 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.

20. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondent shall report each monitoring result to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

21. 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.

22. 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

23. 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.

24. 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: 9/27, 2012.

James H. Eppers

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

Arturo Palomares

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



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Town of Hartville

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. We did not monitor for nitrates in 2011, total coliform bacteria during June 2011 or April 2012 and did not collect a chlorine residual sample with the May 2012 total coliform sample and, therefore, we 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 contaminants we did not properly test for during the compliance period, how often we are supposed to sample and 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 and number of samples	When samples should have been taken	When samples were taken
Total coliform bacteria	1 sample per month	June 2011 April 2012	May 2012 - current
Chlorine residual	1 sample collected with the monthly total coliform sample	May 2012	June 2012 - current
Nitrates	1 sample each year	2011	

What happened? What is being done?

For more information, please contact [name and number of contact person] _____
or [address] _____.

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 the **Town of Hartville**,
Public Water System ID#: WY5600186.

Date distributed or dates posted: _____.

ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(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 of delivery (141.204(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 (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see below) that you have met all the public notice requirements. Mail copies to:

Jill Minter
 Water Technical Enforcement Program (8ENF-W)
 US EPA Region 8
 1595 Wynkoop Street
 Denver, CO 80202-1129

Or, you can fax a copy to: Attn: Jill Minter at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator/Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____