



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

MAR 25 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Weston County Commissioners
c/o Tom Bruce, Chair
1 West Main Street
County Courthouse
Newcastle, WY 82071-2121

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Cambria Improvement and Service
District Public Water System
PWS ID #WY5601028

Dear County Commissioners:

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

EPA has issued an Administrative Order to Cambria Improvement and Service District, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to comply with the maximum contaminant level (MCL) for total coliform bacteria; failing to monitor for lead and copper; failing to collect a set of 4 repeat samples following a total coliform positive sample; failing to collect a set of 5 routine samples in the month following a total coliform positive sample; failing to provide public notice of the violations; and failing to report these violations to 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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure
Administrative Order





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

MAR 25 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Ackerman, District Chairman
Cambria Improvement and Service District
23303 U.S. Highway 85
Newcastle, WY 82701

Re: Administrative Order
Cambria Improvement and Service
District Public Water System
Docket No. SDWA-08-2010-0025
PWS ID #WY5601028

Dear Mr. Ackerman:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that Cambria Improvement and Service District (the District) 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 the District 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 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. EPA has provided copies of forms and instructions for providing public notice as an attachment to this document. In the future, public notices can easily be accomplished with the assistance of the automated system available at the www.pniwriter.org website.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from the District'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,



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

Enclosures:

Order
SBREFA Information Sheet
Public notice templates

cc:

WY DEQ/DOH (via email)
Ray Rumney, Operator
Tina Artemis, EPA Regional Hearing Clerk

2009 and October 2009 from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Respondent is required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by the system, Respondent is required to collect at least 5 samples during each 3-year monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored the system's water for lead and copper on September 6, 2006, and the next sampling was to be done between June 1, 2009, and September 30, 2009. Respondent failed to monitor the system's water for lead and copper during that period and, therefore, violated this requirement.

9. Within 24 hours of being notified of any total coliform-positive routine sample of the system's water, 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 a total coliform-positive sample on November 16, 2005 and, therefore, violated this requirement.

10. If the system has one or more total coliform-positive samples, 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 November 16, 2005, Respondent failed to take at least 5 routine samples of the system's water in December 2005 and, therefore, violated this requirement.

11. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201, 141.203 and 141.204. Respondent did not notify the public of the violations cited in paragraphs 7, 9 and 10 and, therefore, violated this requirement. Public notice for the 2009 failure to monitor lead and copper violation cited in paragraph 8 is not yet overdue.

12. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 9 and 10, above, to EPA and, therefore, violated this requirement.

14. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 8 and 11, above, 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):

15. Within 30 days of receipt of this Order, Respondent shall provide 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 system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

16. The plan and schedule required by paragraph 15, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

17. Within 90 days of receiving EPA's approval of the plan and schedule required by paragraph 15, above, Respondent shall provide 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 10th day of the month following the relevant quarter.

18. Within 10 days of completing all tasks included in the plan and schedule required by paragraph 15, above, Respondent shall notify EPA of the project's completion.

19. Respondent must achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later

than six months after receiving EPA's approval of the plan and schedule required by paragraph 15 above, whichever is earliest.

20. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

21. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

22. If any total coliform routine sample for the system is total coliform positive, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of a positive result, following the procedures in 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

23. If any routine sample for the system is total coliform positive, Respondent shall collect 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 EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

24. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 10 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.

25. 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 discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

26. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

27. Except where a different reporting deadline is specified in the drinking water regulations or this Order, Respondent shall notify EPA within 48 hours of any failure to comply with the drinking water regulations), as required by 40 C.F.R. § 141.31(b).

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

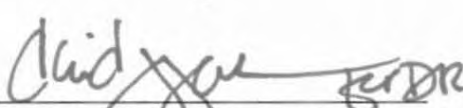
Kimberly Pardue Welch
U. S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS


29. 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.

30. 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: March 25, 2010.



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

Instructions for Resolved Total Coliform Notice –(Tier 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)). Check with the Division of Drinking Water to make sure you meet all the public notification 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 for at least 7 days
- 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 recurs.
- The well and/or distribution system has been disinfected and additional samples do not show 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 EPA and your Primacy Agency within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in Cambria Improvement and service District

Our water system 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. Cambria Improvement and Service District has exceeded the maximum contaminant level for total coliform bacteria. This violation is listed below with the number of samples taken and the number of sample which tested positive.

<u>Violation Date</u>	<u>Number of samples taken</u>	<u>Number of positive samples</u>
August 2009	11	3
October 2009	15	8

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 happened? What was done?

[Describe corrective action here.]

For more information, please contact _____ at ___-___-___ or [mailing 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 Cambria Improvement and Service District

Water System ID#: WY5601028

Date distributed: _____

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

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.

Templates

Monitoring Violations Annual Notice Template 3-1

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

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (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 (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 (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, 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 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.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (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.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, 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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for Cambria Improvement and Service District

Our water system violated several drinking water standards over the past several years. 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 an indicator of whether or not our drinking water meets health standards. We failed to monitor for lead and copper during the 2009 sampling period; failed to collect 4 repeat total coliform samples following a positive total coliform sample; and failed to collect 5 routine total coliform samples in the month following a total coliform positive sample and therefore cannot be sure of the quality of our 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 the previous years, how often we are supposed to sample for [this contaminant/these contaminants] 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 (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Lead and Copper	5 samples every three years	2009	
Total coliform	1 sample within 24 hours of being notified of a positive total coliform sample	November 2005	
Total Coliform	5 samples in the month following a positive total coliform sample	December 2005	

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 **Cambria Improvement and Service District**
 State Water System ID#: **WY5601028**

Date distributed or dates posted: _____

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 (141.31(d)).

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch 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 _____