



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

SEP - 6 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Platte County Commissioners  
c/o Tim Millikin, Chair  
P.O. Box 728  
Wheatland, WY 82201

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Town of Guernsey  
PWS ID #WY5600023


Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to the Town of Guernsey, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level (MCL) for total coliform bacteria, late reporting of nitrate results, failing to monitor for inorganic contaminants, failing to monitor for synthetic organic contaminants, failing to monitor for volatile organic contaminants, 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 this Order, please contact Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure  
Order



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REGION 8

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SEP - 6 2011

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Honorable Edward Delgado  
Mayor, Town of Guernsey  
P.O. Box 667  
81 West Whalen Street  
Guernsey, WY 82214

Re: Administrative Order  
Town of Guernsey  
Public Water System  
Docket No. SDWA-08-2011-0065  
PWS ID #WY5600023

Dear Mayor Delgado:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that the Town of Guernsey (the Town) has violated the National Primary Drinking Water Regulations (drinking water regulations).

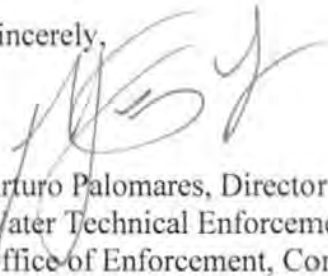
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Town complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil 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.

To submit information, or to request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the Town'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  
SBREFA Information Sheet

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ/DOH (via email)  
Russ Kirlin, Superintendent, Town of Guernsey  
Rob Eckhardt, Operator, Town of Guernsey

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 SEP -6 PM 2:21

IN THE MATTER OF:     )  
  )  
Town of Guernsey, WY,    )  
  )  
Respondent.                )

Docket No. SDWA-08-2011-0065  
ADMINISTRATIVE ORDER

FILED  
SEP 08 2011  
READING ROOM

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. The Town of Guernsey (Respondent) is a municipality that owns and/or operates the Town of Guernsey Water System (the 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 three wells which provide water that is treated sporadically with sodium hypochlorite.

4. The System has approximately 615 service connections used by year-round residents and/or regularly serves at least 1147 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 § 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 § 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 two or more samples collected in any month from the System's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of August 2009, September 2009, October 2010 and April 2011, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Respondent is required to monitor the System's water annually for nitrate and to report analytical results to EPA within the first 10 days following the month in which sample results were received. 40 C.F.R. §§ 141.23(d) and 141.31(a). Respondent monitored the System's water for nitrate on June 23, 2010. However, EPA did not receive the results until 2011, and, therefore, violated this requirement. Respondent most recently monitored the System's water for nitrate on June 14, 2011.

9. Respondent is required to monitor the System's water for synthetic organic (pesticide/herbicide) contaminants at least once in every three-year compliance period. 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. Respondent most recently monitored the System's water for pesticide/herbicide organic contaminants on February 22, 2011.

10. Respondent is required to monitor the System's water for certain inorganic contaminants at least once in every three-year compliance period. 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. Respondent most recently monitored the System's water for inorganic contaminants on February 22, 2011.

11. Respondent is required to monitor the System's water for certain volatile organic contaminants at least once in every three-year compliance period. 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. Respondent most recently monitored the System's water for volatile organic contaminants on February 22, 2011.

12. Respondent is required to report any coliform MCL violation to 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 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 of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 8 through 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):

14. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2). If the System's water exceeds the total coliform MCL, Respondent shall report this violation to EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

15. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, 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 four 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 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

18. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than four months after receipt of EPA's approval of the plan and schedule required by paragraph 15 above, whichever is earliest. Respondent shall 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.

19. Respondent shall monitor the System's water for nitrate per the regulations. 40 C.F.R. § 141.23(d). Respondent is next required to sample for nitrate during the 2012 monitoring period.

20. Respondent shall monitor the System's water for pesticide/herbicide organic contaminants per the regulations. 40 C.F.R. § 141.24(h).

21. Respondent shall monitor the System's water for inorganic contaminants per the regulations. 40 C.F.R. § 141.23(a) and (c).

22. Respondent shall monitor the System's water for volatile organic contaminants per the regulations. 40 C.F.R. § 141.24(f)(6).

23. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to 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 EPA, whichever is earlier. 40 C.F.R. § 141.31(a).

24. Respondent shall report any violation of the drinking water regulations to 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.

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


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


### **GENERAL PROVISIONS**

26. 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.

27. 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: Sept 16, 2011.

  
Matthew Cohn, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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