



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, COLORADO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region8>

2016 JUL 18 AM 9:30

JUL 18 2016

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Strickland, Director
Sweetwater Improvement and Service District
P.O. Box 879
Newcastle, Wyoming 82701

Re: Administrative Order #2, Sweetwater Improvement and Service District,
PWS ID #5601675, Docket # **SDWA-08-2016-0015**

Dear Mr. Strickland:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Sweetwater Improvement and Service District (District), as owner and/or operator of the Sweetwater Improvement and Service District Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the District believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served). If the EPA does not hear from the District within this time, the EPA will assume the information set forth in the Order is correct.

If the District 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.

As a reminder, the violations cited in the Order that occurred in 2016 must be included in the Consumer Confidence Report that the District must prepared and delivered to its customers by July 1, 2017.

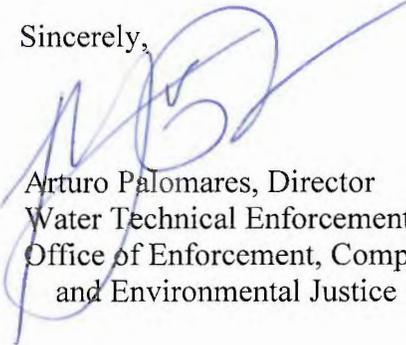
A separate EPA administrative order issued to the District on December 1, 2014, remains in full force and effect.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at brainich.kathelene@epa.gov, or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from the District's attorney(s) should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the

above address (with the mailcode 8ENF-L), via email at livingston.peggy@epa.gov, 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

Enclosure

cc: Gary Thurner, Co-Director, Sweetwater I&SD (via email)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Region 8 Regional Hearing Clerk



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REGION 8

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JUL 18 2016

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Weston County Commissioners
c/o Bill Lambert, Chair
1 W. Main Street
Newcastle, Wyoming 82701

Re: Notice of Safe Drinking Water Act Enforcement Action against Sweetwater Improvement and Service District, PWS ID WY5601675 **Docket No. SDWA-08-2016-0015**

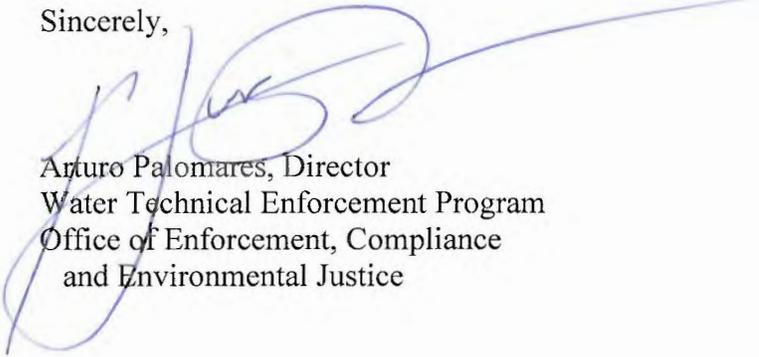
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Sweetwater Improvement and Service District, as owner and/or operator of the Sweetwater Improvement and Service District Water System, located in Weston County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to monitor for total coliform bacteria, nitrate, lead and copper, radionuclides, and volatile and synthetic organic contaminants, 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 Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2016 JUL 18 AM 9:30

IN THE MATTER OF: _____)
)
Sweetwater Improvement and Service District,)
)
Respondent. _____)

Docket No. ~~SDWA-08-2016-0015~~
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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Sweetwater Improvement and Service District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Sweetwater Improvement District System (the System), which provides piped water to the public in Weston County, Wyoming, for human consumption.
3. The System is supplied by an impoundment on Sweetwater Creek, a surface water source, via the Horton Pipeline. The System's water is not centrally treated; individual homeowners use various point-of-entry treatment systems.
4. The System has approximately 17 service connections used by year-round residents and/or regularly serves an average of approximately 46 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).

VIOLATIONS

6. Respondent has been required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during October 2015 and, therefore, violated this requirement.
7. Respondent is required to monitor the System's water quarterly for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during the 3rd (July-September) and 4th (October-December) quarters of 2015 and the 1st (January-March) quarter of 2016 and, therefore, violated this requirement. The System monitored during the 2nd quarters of 2015 and 2016.
8. Respondent is required to monitor the System's tap water for lead and copper during two consecutive six-month monitoring periods. 40 C.F.R. § 141.86(d). Respondent failed to monitor

the System's water for lead and copper during July through December 2015 and, therefore, violated this requirement. The System monitored the 1st halves of 2015 and 2016.

9. Respondent is required to initially monitor the System's water quarterly for certain radionuclides for four consecutive quarters. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during the 3rd and 4th quarters of 2015, and the 1st quarter of 2016 and, therefore, violated this requirement. The System monitored during the 2nd quarters of 2015 and 2016.

10. Respondent is required to initially monitor the System's water during four consecutive quarters for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(4). Respondent failed to monitor the System's water for VOCs during the 4th quarter of 2015 and the 1st quarter of 2016 and, therefore, violated this requirement. The System monitored during the 3rd quarter of 2015.

11. Respondent is required to initially monitor the System's water for certain synthetic (pesticide/herbicide) organic contaminants (SOCs) for four consecutive quarters. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for SOCs during the 4th quarter of 2015 and the 1st quarter of 2016 and, therefore, violated this requirement. The System monitored during the 3rd quarter of 2015.

12. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 6, above, to the EPA and, therefore, violated this requirement.

13. 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 7-11, 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):

14. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample, as required by 40 C.F.R. §§ 141.853-141.858.

15. Between July 1, 2016, and September 30, 2016, subsequently during each of the following two consecutive quarters, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.23(d), Respondent shall monitor the System's water for nitrate.

16. Between July 1, 2016, and December 31, 2016, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d), Respondent shall monitor the System's water for lead and copper.
17. Between July 1, 2016, and September 30, 2016, subsequently during each of the following two consecutive two quarters, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.26(a), Respondent shall monitor the System's water for radionuclides.
18. Between October 1, 2016, and December 31, 2016, subsequently during each of the following three consecutive quarters, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.24, Respondent shall monitor the System's water for VOCs.
19. Between October 1, 2016, and December 31, 2016, subsequently during each of the following three consecutive quarters, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.24, Respondent shall monitor the System's water for SOCs.
20. Respondent shall report analytical results to the EPA within (1) the first 10 days following the month in which the sample result is received, or (2) the first 10 days following the end of the required monitoring period, as required by 40 C.F.R. § 141.31(a) and 40 C.F.R. § 141.90.
21. Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).
22. 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.
23. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent will notify the EPA in writing within 10 days.
24. This Order shall be binding on Respondent, any of its successors and assigns, and any person (e.g., employee, contractor or other agent) acting in concert with Respondent.
25. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such contract or hire, provide a copy of this Order to the new operator and, no later than 10 days thereafter, notify the EPA in writing of the name and contact information of the person or entity who will be operating the System. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.

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

U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129
Email: R8DWU@epa.gov or Fax: (877) 876-9101

GENERAL PROVISIONS

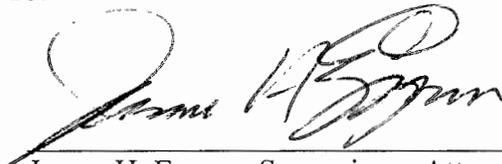
27. This Order shall not constitute a waiver, suspension or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

28. 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.

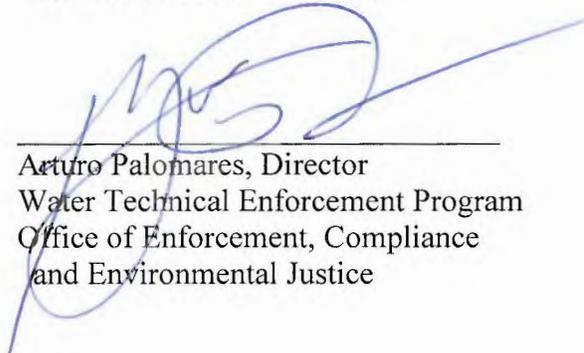
29. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

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

Issued: July 18th, 2016.



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



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