



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2015 SEP 30 AM 10:18
FILED
EPA REGION VIII
HEARING CLERK

SEP 30 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent
PacifiCorp Energy
388 State Street #420
Salem, Oregon 97301

Re: Administrative Order regarding Dave Johnston Power Plant, PWS ID# 5600291
Docket # ~~SDWA-08-2015-0053~~

Dear CT Corporation System:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 PacifiCorp Energy (PCE), as owner and/or operator of the Dave Johnston Power Plant Public Water System (System) in Converse County, Wyoming, 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 PCE 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, etc.). If the EPA does not hear from PCE, the EPA will assume this information is correct.

If PCE 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.

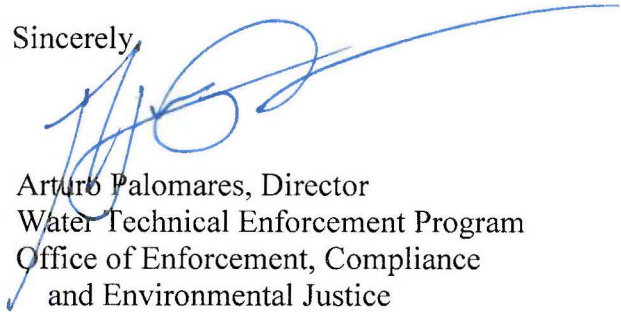
Please be aware that PCE is required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA encourages PCE to contact any other governmental agency or agencies that may require approval of the plan and/or schedule prior to modifying the System.

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 your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address

(with the mailcode 8ENF-L), via email at bearley.mia@epa.gov, or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

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: Megan S. Lockwood, Dave Johnston Power Plant (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk





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CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Converse County Commissioners
c/o Rick Grant, Chair
107 North 5th Street
Douglas, Wyoming 82633-2448

Re: Notice of Safe Drinking Water Act Enforcement Action against PacifiCorp Energy
(Dave Johnston Power Plant), PWS ID# 5600291 **DOCKET NO. : SDWA-08-2015-0053**

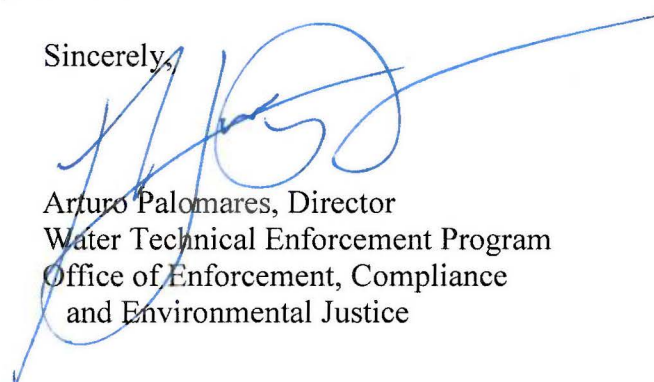
Dear Commissioners:

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

An Administrative Order (Order) is being issued to PacifiCorp Energy, as owner/operator of the Dave Johnston Power Plant Public Water System, located in Converse County, directing it to comply with the National Primary Drinking Water Regulations. The violation alleged in the Order is for failure to comply with the total trihalomethanes maximum contaminant level.

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

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IN THE MATTER OF:)
)
PacifiCorp Energy,)
)
Respondent.)

Docket No. SDWA-08-2015-0053

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. PacifiCorp Energy (Respondent) is an Oregon corporation that owns and/or operates the Dave Johnston Power Plant Water System (System), which provides piped water to the public in Converse County, Wyoming, for human consumption.

3. The System is supplied by surface water from the Platte River and supplemented by an infiltration gallery which has been classified as groundwater under the direct influence of surface water. The water from the Platte River is treated by a conventional filtration. The outflow from conventional filtration is further treated by granular activated carbon and bag filters after it is combined with the water from the infiltration gallery. The System uses liquid chlorine and UV for disinfection.

4. The System has approximately 3 service connections and/or regularly serves an average of approximately 165 of the same individuals daily for at least 6 months 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 "non-transient, noncommunity" 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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. The maximum contaminant level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/L), based on the locational running annual average (LRAA) of four consecutive quarterly TTHM samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d). The LRAA of TTHM samples at sampling location Mill Shop Wash Basin (SP02) was at 0.084 mg/L the 3rd quarter of 2015 (4th quarter 2014-3rd quarter 2015) and, therefore, Respondent violated the TTHM MCL.

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):

7. Within 90 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule to bring the System into consistent compliance with the TTHM MCL as identified in 40 C.F.R. § 141.64. The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within one year of the project completion date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.
8. The schedule required by paragraph 7, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
9. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 7, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.
10. Within 10 days after completing all tasks included in the schedule required by paragraph 7, above, Respondent shall notify the EPA of the project's completion.
11. The System shall achieve compliance with the TTHM MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
12. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
13. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

14. 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

15. This Order shall 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 the EPA to forgo any civil or criminal action.

16. 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.

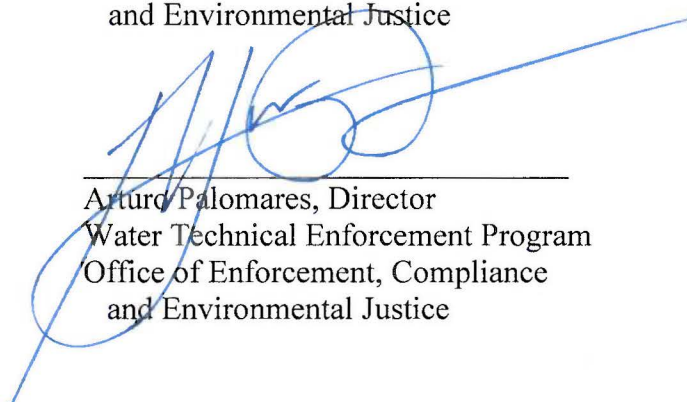
17. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: September 30, 2015.



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



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