



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Phone 800-227-8917
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2018 DEC 27 PM 1:21
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EPA REGION VIII
HEARING CLERK

DEC 27 2018

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony M. Sowell, Board Member
Jeffrey City Water & Sewer District
P.O. Box 100
Jeffrey City, Wyoming 82310

Re: Administrative Order issued to Jeffrey City Water & Sewer District regarding Jeffrey City Water & Sewer District Public Water System, PWS ID # WY5600106, Docket No. **SDWA-08-2019-0006**

Dear Mr. Sowell:

Enclosed is an Administrative Order (Order) issued by the United States 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 the Jeffrey City Water & Sewer District (District), as owner and/or operator of the Jeffrey City Water & Sewer District Public Water System (System), has violated the National Primary Drinking Water Regulations (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 pertinent information the Company believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of active wells, any updates to the number of service connections and/or individuals served, etc.). If the EPA does not hear from the District, the EPA will assume this information is correct.

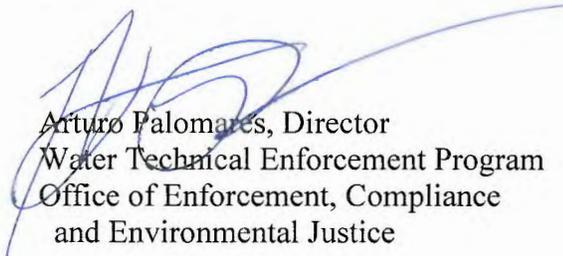
If the District complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties and/or a federal court injunction ordering compliance.

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.

If you have any questions or to request an informal conference with the EPA, please contact Jill Minter via email at minter.jill@epa.gov, or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the District's attorney should be directed to Mia Bearley, Enforcement Attorney, 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

Enclosures

1. Consumer Confidence Report Certification for Wyoming Community Water Systems
2. Triggered Groundwater Source Sampling Form
3. SBREFA

cc: WY DEQ/DOH (via email)
Fremont County Commissioners (becky.enos@fremontcountywy.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk
Mr. Anthony M. Sowell, Board Member and Water System Operator (asowell@blm.gov)
Mr. Rex Kelson, Board Member and Administrative Contact (rexmarkel@gmail.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2018 DEC 27 PM 1:21

IN THE MATTER OF:)
Jeffrey City Water & Sewer District,)
Respondent.)

Docket No. SDWA-08-2019-0006

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 Jeffrey City Water & Sewer District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Jeffrey City Water & Sewer District Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via three wells. The water is treated by chlorination.
4. The System has approximately 28 service connections used by year-round residents and/or regularly serves an average of approximately 56 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 collect one set of total trihalomethanes (TTHM) and haloacetic acid (HAA5) samples in the System’s distribution system during September, the peak historical month, at the location identified in the System’s September 10, 2014, monitoring plan. 40 CFR §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the System’s water for TTHM and HAA5 at the specified location during September 2017 and September 2018, and therefore, violated this requirement. TTHM and HAA5 samples were collected on October 31, 2017, but they were not taken at the specified location and not during September.

8. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during September 2018 and October 2018 and, therefore, violated this requirement.

9. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. 40 C.F.R. § 141.402. Respondent must sample each groundwater source and have it analyzed for a fecal indicator (*e.g. E. coli*). Respondent failed to monitor the System's source for a fecal indicator within 24 hours after a sample taken on August 15, 2017, was analyzed as total coliform positive and, therefore, violated this requirement. 40 C.F.R. § 141.402.

10. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year and to certify to the EPA that it has done so by October 1. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for 2015 to the System's customers and to the EPA. Respondent failed to provide a certification to the EPA for the 2016 CCR. Therefore, Respondent violated these requirements.

11. 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. § 141.861(a)4. Respondent failed to report the violation cited in paragraph 8, above, to the EPA and, therefore, violated this requirement.

12. 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, and 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):

13. Respondent shall monitor the System's water annually for TTHM and HAA5 during September, the peak historical month, at the specific location identified in the System's September 10, 2014, monitoring plan, as required by 40 C.F.R. §§141.620-141.622. Respondent shall submit the sampling results to the EPA within 10 days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.

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. 40

C.F.R. § 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first ten days following the end of the System's required monitoring period. 40 C.F.R. § 141.31(a).

15. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its groundwater source and have it analyzed for a fecal indicator (*e.g. E. coli*). If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result, Respondent shall specify that it is a triggered source water sample.

16. By July 1, 2019, Respondent shall (1) prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System for 2015 and 2018, and distribute the CCR to the System's customers and the EPA and (2) 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. Respondent shall also provide a CCR certification to the EPA for the 2016 CCR. Thereafter, Respondent shall prepare and distribute annual CCRs by July 1st and provide certifications to the EPA by October 1st as required by 40 C.F.R. §§ 141.151- 155.

17. 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).

18. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

19. If the population or number of connections served by the System falls below 25 individuals and 15 connections, Respondent shall notify the EPA in writing within 10 days by completing the basic information form available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

20. 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.

21. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, within ten days, provide a copy of this Order to the employee or contractor and notify the EPA in writing of the change. In any event, Respondent shall remain obligated to comply with this Order.

22. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
Minter.jill@epa.gov

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.

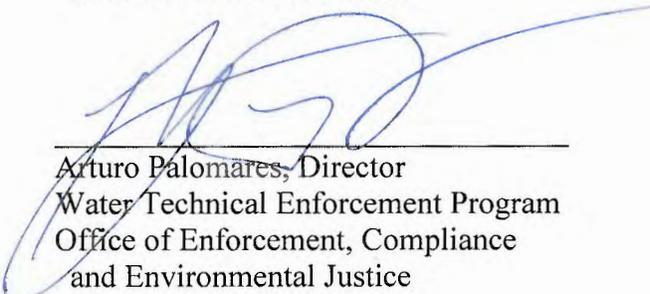
24. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

25. 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).

Issued: December 27, 2018.



Amy Swanson, 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

Consumer Confidence Report (CCR) Certification for Wyoming Community Water Systems Serving Fewer than 10,000 Persons

Community Water System Name: _____

Public Water System Identification No: _____ Year CCR Due: _____

Important: In 1999, Governor Jim Geringer exercised his authority under the Safe Drinking Water Act to waive the direct mailing requirement for CCRs for small community water systems in Wyoming. Small community water systems can instead meet their annual reporting requirements under the CCR Rule by the methods of report distribution listed below.

Directions: Please mark the boxes in the section relevant to your drinking water system and fill in the associated blanks. Then sign the form in the last section.

Community Water Systems Serving Fewer than 10,000 Persons must complete all three (3) of the following actions:

1. Notified customers by direct mailing* that the CCR shall be printed in a local newspaper or made available on an internet web site.
Specify date and method of direct notice to customers:

and

2. Published the CCR as an insert in one or more local newspapers serving the area of service or published the CCR on an internet web site.
Specify newspaper and the date of publication, or specify the internet web site address:

and

3. Made paper copies of the CCR available to the public upon request.
Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, if desired:

*Direct mailing can include mailing a paper notice or emailing a notice to your customers.

Community Water Systems Serving 500 Persons or Fewer must complete both of the following actions:

1. Provided direct notice* to each customer that the annual CCR is available.
Specify the date and method of direct notice to customers, and where the report was made available:

and

- 2. Made paper copies of the CCR available to the public upon request or through an internet web site.

Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, or specify the internet web site address:

*Direct notice can include mailing a paper notice to or emailing a notice to your customers.

The community water system named above hereby confirms that its Consumer Confidence Report (CCR) has been distributed to customers or that appropriate notices of availability have been given as specified on this form. Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to EPA Region 8.

CERTIFIED BY:

Name (please print): _____

Title: _____ Phone #: _____

Signature: _____

Today's Date: _____

Please sign and send your completed certification by mail, fax, or email for receipt no later than October 1st of each year for the CCR due that same year:

MAILING ADDRESS:

US Environmental Protection Agency, Region 8
 Drinking Water Program (8WP-SDA)
 Attn: CCR Rule Manager
 1595 Wynkoop St.
 Mailcode: 8WP-SDA
 Denver, CO 80202-1129

EMAIL:

To: R8DWU@epa.gov
 Subject: CCR Certification

FAX:

1-(877) 876-9101
 Attn: CCR Certification

WY and Tribal Ground Water Rule (GWR)

TRIGGERED GROUNDWATER SOURCE SAMPLING FORM

Sampler(s) Section (For field sampler use only)

Reminder: Collect GWR source samples anytime you have a **routine** RTCR positive result. **Collect the same number of samples from each active groundwater source as the number of routine TC+ results received (e.g., if you have two routine TC+ results, you will need to collect two source water samples from each active groundwater source).** Write the correct Sample Point Code on the form below (e.g. GWR WL), which may be found in the yearly Monitoring and Reporting Requirements document sent to all systems. The GWR source samples are **in addition** to your RTCR repeat samples. You **cannot** use RTCR samples as a GWR source sample, or vice versa.

Public Water System (PWS) Name:			Sampler's Name:		
PWS Identification Number (PWSID):			Cell Phone Number:		
PWS Street Address:		City:	State:	Zip Code:	
Comments: (List sources that were inactive or any other information regarding why all groundwater sources were not sampled)					
Sample Collection		Sample Point Code	Groundwater Sample Type- Check One		
Date	Time	(Found in the yearly Monitoring and Reporting Requirements document in the GWR section.)	Triggered - 1st source sample(s) after being notified of a routine RTCR positive Additional Routines - Required 5 source samples after a GWR EC+ routine result Replacement- If a sample wasn't analyzed previously (e.g. over holding time)		
			<input type="checkbox"/> Triggered	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
			<input type="checkbox"/> Triggered	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
			<input type="checkbox"/> Triggered	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
			<input type="checkbox"/> Triggered	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
			<input type="checkbox"/> Triggered	<input type="checkbox"/> Additional Following EC+	<input type="checkbox"/> Replacement
Sampler(s) name (Print):		Sampler(s) signature:			Date signed:

Laboratory Section (For laboratory use only):

Laboratory Name:			Laboratory Phone Number:			Date/Time Sample Received:			
Lab Specimen ID	Sample Location	Analytical Method Used	Total Coliform P/A/NA	E. coli P/A/NA	Analysis Start		Analysis Complete		Comments
					Date	Time	Date	Time	
Comments: (e.g. chlorine residual present, over 30 hour holding time)									
Analyst(s) Name:					Date:				

Send Copies of Completed Forms to: EPA Region 8 Ground Water Rule Manager
 Email: r8dwu@epa.gov
 Fax: 1-877-876-9101

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.