



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 24 2013

Niobrara County Commissioners
c/o Richard Ladwig, Chairman
P.O. Box 1238
Lusk, WY 82225

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Town of Manville
Public Water System
PWS ID # WY5600110


Dear Commissioners:

The Safe Drinking Water Act (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 Town of Manville, which owns the Town of Manville Public Water System, located in Niobrara County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, failing to monitor for certain radionuclides, exceeding the maximum contaminant level for gross alpha particle activity and failing to notify the public and the EPA of certain violations.

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 Mario Mérida at (303) 312-6297.

Sincerely,



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

Enclosure:
Administrative Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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JUN 24 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Hon. Richard Schroeder,
Mayor, Town of Manville
P.O. Box 107
Manville, WY 82227

Re: Administrative Order
Town of Manville, Wyoming, Public Water System
Docket No. **SDWA-08-2013-0039**
PWS ID #WY5600110

Dear Mayor Schroeder:

Enclosed is an Administrative Order (Order) issued by the United States 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 Town of Manville (Town), as owner and/or operator of the Town of Manville Public Water System (System), 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 pertinent information you believe 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.). Please note: this Order is separate from and in addition to the Administrative Order issued to the Town on August 26, 2010, and includes additional requirements.

If the Town 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.

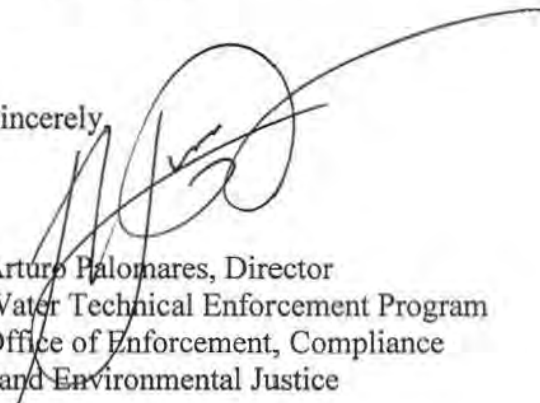
The Order requires the Town to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. Any questions from the Town'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,



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

Enclosures:

Order
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Town Clerk, Town of Manville (via email)
Murray Schroeder, Civil Engineer, Branch Manager, WWC Engineering (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUN 24 AM 8:44

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

) Docket No. **SDWA-08-2013-0039**
)
) **ADMINISTRATIVE ORDER**

FILED
EPA REGION VIII
HEARING CLERK

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 Town of Manville (Respondent) is a municipality that owns and/or operates the Town of Manville Public Water System (System), which provides piped water to the public in Niobrara County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of three wells. Its water is treated with a hypochlorite solution.
4. The System has approximately 60 service connections used by year-round residents and/or regularly serves an average of approximately 97 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 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 the month of March 2012 and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water quarterly for certain radionuclides, including uranium, gross alpha, radium-226 and radium-228 (combined radium), and dissolved beta. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System’s water for the radionuclides gross alpha, combined radium, and dissolved beta during the 2nd quarter of 2012, and, therefore, violated this requirement. Note: Respondent also failed to monitor for uranium during the same quarter, but this violation was cited separately in the EPA’s letter of November 7, 2012, as a violation of a separate Administrative Order issued to the Respondent on August 26, 2010.

9. The maximum contaminant level (MCL) for gross alpha particle activity (gross alpha) is 15 picocuries per liter (pCi/L). 40 C.F.R. § 141.66(c). According to 40 C.F.R. § 141.26(a)(3)(v), Respondent is required to monitor the System's water quarterly for gross alpha. If any sample result will cause the running annual average to exceed the MCL, this is a violation of the MCL. 40 C.F.R. § 141.26(c)(3). The running annual average for gross alpha in the System's water during the 1st (18.6 pCi/L), 2nd (18 pCi/L), and 3rd (20 pCi/L) quarters of 2012, during the 1st (19 pCi/L) and 2nd (18 pCi/L) quarters of 2011, and during the 2nd (25 pCi/L) and 3rd (23 pCi/L) quarters of 2010, exceeded the MCL for gross alpha, and, therefore, Respondent violated 40 C.F.R. § 141.66(c).
10. 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. § 141.21(g)(2). Respondent failed to report the violation cited in paragraph 7, above, to EPA 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. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7 and 9, above, and, therefore, violated this requirement. Note: public notice for violations cited in paragraph 8 is due twelve months from the date of violation.
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 8 through 10 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 monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).



14. Respondent shall monitor the System's water quarterly for radionuclides, including uranium, gross alpha, combined radium, and dissolved beta, as required by the Drinking Water Regulations, until advised by the EPA of a different monitoring schedule. 40 C.F.R. § 141.26(a).

15. Within 60 days after receipt of this Order, Respondent shall provide the EPA with a plan for the System to come into compliance with the MCL for gross alpha particle activity as stated in 40 C.F.R. § 141.66(c). The plan shall include proposed modifications to the System, estimated costs of modifications, and a proposed schedule for completion of the project and compliance with the gross alpha MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 12 months from the date of the EPA's approval of the schedule. The schedule must be approved by the EPA before construction or modifications may begin. The EPA's approval of Respondent's 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. Note: Respondent is currently implementing a plan and schedule to come into compliance with the uranium MCL under an Administrative Order issued by the EPA to the Respondent on August 26, 2010. Respondent may propose using that existing compliance plan and schedule to address gross alpha particle activity MCL compliance if it is able to demonstrate that test wells provide water of suitable quality.

16. The schedule required by paragraph 15, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

17. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 15, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the gross alpha MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter. Note: This quarterly report may be combined with the quarterly report required for the compliance schedule approved under the Administrative Order issued to the Respondent on August 26, 2010.

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

19. Respondent shall achieve and maintain compliance with the gross alpha MCL by the final date specified in the approved compliance schedule, or no later than 12 months after receipt of the EPA's approval of the schedule required by paragraph 15, above, whichever is earliest. Respondent shall meet that deadline even if the plan as submitted does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.



20. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation, 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.

21. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 9, above, following the instructions provided with the public notice template provided to Respondent with this Order. Respondent shall repeat the notice on having exceeded the gross alpha MCL every three months as long as the gross alpha MCL situation persists or Respondent is advised by EPA that it may discontinue doing so. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

22. Respondent shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

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

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

GENERAL PROVISIONS

24. 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.

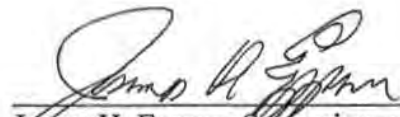
25. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

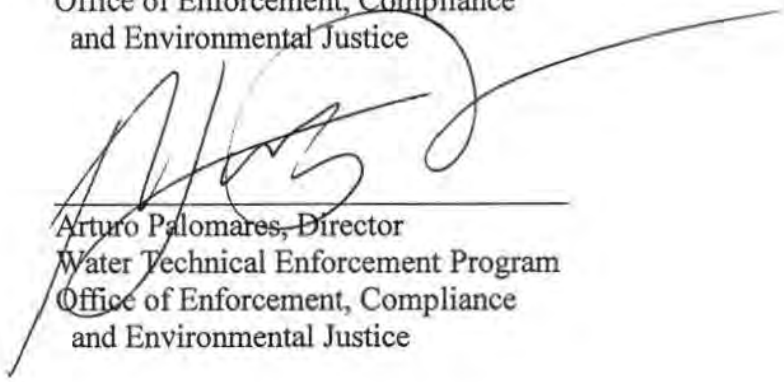
26. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).



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

Issued: June 24, 2013.


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



Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 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 [40 CFR 141.204(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 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 already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 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. If you do modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

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

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 [40 CFR 141.31(d)].

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 your primacy agency within ten days after issuing the notice [40 CFR 141.31(d)].

Please send your copy and certification to:

Mario Mérida
US EPA Region 8 (8ENF-W)
1595 Wynkoop St.
Denver, CO 80202

Monitoring Violations Annual Notice – Template 3-1A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER Monitoring Requirements Not Met for the Town of Manville Public Water System

Our water system violated drinking water requirements over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are doing (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. During March of 2012 we did not monitor or test for total coliform bacteria, and during the 2nd quarter (April – June) we did not monitor or test for radionuclides including combined uranium, gross alpha particle activity, radium-226 and radium-228, and dissolved beta, and therefore cannot be sure of the quality of your 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 last year, how often we are supposed to sample for [this contaminant/these contaminants], 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.¹

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Radionuclides	1 sample quarterly	0	2 nd Quarter (April – June) of 2013	7/23/2012
Total Coliform bacteria	Monthly	0	March 2012	4/2/2012

What is being done?

[Describe corrective action.]

For more information, please contact Mike Ross at 307-340-0595 or P.O. Box 107, Manville, WY 82227.

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 the Town of Manville public water system.

State Water System ID#: WY5600110.

Date distributed: _____

Template on Reverse

Chemical or radiological maximum contaminant level (MCL) violations require Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for MCL violations (e.g., it may require you to provide water from an alternate source). Check with your agency to make sure you meet all requirements. Use Template 2-4 for fluoride MCL violations.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 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 your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in). This notice includes a placeholder for a specific contaminant's health effects language.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We are working with [local/state agency] to evaluate the water supply and are researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply.
- We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- We have increased the frequency that we will test the water for [contaminant].
- We have since taken samples at this location and had them tested. These samples show that we meet the standards.

Repeat Notices

If this is an ongoing violation and/or you fluctuate above and below the MCL, you should give the history behind the violation, including the source of contamination, if known. List the date of the initial detection, as well as how levels have changed over time. If levels are changing as a result of treatment, you can indicate this.

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 public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

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 your primacy agency within ten days after issuing the notice [40 CFR 141.31(d)].

Please send your copy and certification to:

Mario Mérida
US EPA Region 8 (8ENF-W)
1595 Wynkoop St.
Denver, CO 80202

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

The Town of Manville Public Water System Has Levels of Gross Particle Activity Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation. We routinely monitor for the presence of drinking water contaminants. On November 16, 2012, and prior dates, we received notice that during the 1st through 3rd quarters of 2012, during the 1st and 2nd quarters of 2011, and during the 2nd and 3rd quarters of 2010, the samples collected showed that our system exceeds the standard, or maximum contaminant level (MCL), for gross alpha particle activity. The standard for gross alpha particle activity is 15 picocuries/liter. The average level of gross alpha during the cited period exceeded that amount, and reached 24 pCi/L during the 3rd quarter of 2012.

What should I do?

- There is nothing you need to do. **You do not need to boil your water** or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. However, some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

What is being done?

The Town of Manville public water systems is currently working to implement a plan and schedule to address. The Town will be working to identify and develop a safe water source with plans to blend water from that new source with water from existing sources to bring gross alpha (and uranium) levels below the MCL. We anticipate resolving the problem by the end of 2014.

For more information, please contact Mike Ross at 307-340-0595 or P.O. Box 107, Manville, WY 82227.

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 the Town of Manville public water system.

State Water System ID#: WY5600110.

Date distributed: _____.