



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

NOV 27 2006

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Art Zeiger, Chair
P.O. Box 6
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Sinclair Refinery Golf Course
PWS ID# WY5601550

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly, because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the Sinclair Refinery Golf Course Public Water System, Sinclair, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.74, 141.551(a), 141.551(b), 141.75(b)(3)(iii), and 141.31(b) for failure to monitor residual disinfectant; failure to meet the 95th percentile turbidity limits; failure to meet the maximum turbidity limits; failure to report residual disinfectant violations to EPA; and failure to report National Primary Drinking Water violations to EPA.

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 Melanie Wasco at (303) 312-6540.

Sincerely,

A handwritten signature in cursive script that reads "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

NOV 27 2006

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

The Sinclair Companies
c/o R. E. Holding, President
East Lincoln Highway
Sinclair, WY 82334

Re: Administrative Order
Docket No. SDWA-08-2007-0009
PWS ID #WY5601550

Dear Mr. Holding:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the Sinclair Refinery Golf Course Public Water System (System), is a supplier of water as defined by the SDWA and that the owner of the System has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.74, 141.551(a), 141.551(b), 141.75(b)(3)(iii), and 141.31(b) for failure to monitor residual disinfectant; failure to meet the 95th percentile turbidity limits; failure to meet the maximum turbidity limits; failure to report residual disinfectant violations to EPA; and failure to report National Primary Drinking Water violations to EPA.

If the System owner complies with the terms of the Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

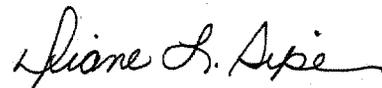
Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that any business, organization or governmental jurisdiction is a small entity as defined by SBREFA.



Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order
SBREFA

cc: Doug Smith, Operator (certified mail)
Sinclair Refinery Golf Course

Corporation Service Company (certified mail)
Registered Agent, Sinclair Companies

Wyoming DEQ (via email)
Wyoming DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2006 NOV 27 PM 12:09

IN THE MATTER OF

The Sinclair Companies, Owner)
Sinclair Refinery Golf Course)
Sinclair, Wyoming)
PWS ID# WY5601550)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0009

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Sinclair Companies ("Respondent") is a corporation under the laws of the state of Wyoming as of February 1976 and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and of 40 C.F.R. § 141.2. Respondent has done business under the name Sinclair Oil Corporation.
2. Respondent owns a system, Sinclair Refinery Golf Course Water System (the "System"), located in Carbon County, Wyoming, for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations ("NPDWRs").
5. According to a March 4, 2004, sanitary survey by an agent for EPA, the System is supplied solely by surface water piped through infiltration galleries from the North Platte River to the refinery process water treatment plant. A side stream of this process water is further filtered in the drinking water plant for potable use. The System serves a population of approximately 7 residents year-round and 130 seasonal persons from March through October through 10 service connections.
6. The filtration equipment initially used by the System for drinking water was bag filtration, which is considered alternative filtration technology for purposes of 40 C.F.R. § 141.551 as discussed below. On or about February 17, 2006, the System installed and began to use a parallel microfiltration (membrane) filtration system, which is also considered



alternative filtration technology. Due to operational problems with the membrane system, the System has alternated between using bags and membranes for treating drinking water since that time.

FINDINGS OF VIOLATION

COUNT I - failure to monitor residual disinfectant at point of entry to the distribution system, in violation of 40 C.F.R. § 141.74

1. According to 40 C.F.R. § 141.74, any public water system using a surface water source must continuously monitor residual disinfectant concentration of the water entering the distribution system. Systems serving 500 or fewer people may reduce this monitoring to once per day. According to 40 C.F.R. § 141.72(b)(2), the residual disinfectant concentration cannot be less than 0.2 mg/L for more than 4 hours.
2. Respondent failed to monitor the water for residual disinfectant concentration on June 10, 2006, in violation of 40 C.F.R. § 141.74. The System's continuous disinfectant monitoring equipment was not operational from June 6 through June 12, 2006. During this period, the System monitored daily grab samples each day except for June 10, 2006.

Count II - failure to meet 95th percentile turbidity limits in violation of 40 C.F.R. § 141.551(a)

1. Public water systems using surface water or ground water under the direct influence of surface water are subject to a combined filter effluent turbidity limit known as a "95th percentile" limit, which a system must meet in at least 95% of the turbidity measurements taken for a given month. The value of this limit

depends on the type of filtration the system uses. If the system uses direct or conventional filtration, the limit is 0.3 Nephelometric Turbidity Units (NTUs). If the system uses another type of filtration, EPA Region 8 determines a limit, not to exceed 1 NTU. (40 C.F.R. § 141.551(a).)

2. During March and April of 2004, May of 2005, and May and June of 2006, while the System was using bag filtration, the turbidity in the System's filtered water failed to meet the 1 NTU limit in at least 95% of the measurements for each of those months, in violation of 40 C.F.R. § 141.551(a).
3. For membrane filtration, EPA Region 8 has set the 95th percentile limit at 0.3 NTU. EPA notified the System of this value in May of 2005 and February of 2006. However, in July of 2006, when the System was using membrane filtration, the turbidity in the System's filtered water failed to meet the 0.3 NTU limit in at least 95% of the measurements taken during that month, in violation of 40 C.F.R. § 141.551(a).

Count III - exceeding maximum turbidity limits in violation of

40 C.F.R. § 141.551(b)

1. As a public water system that uses a surface water source, the System is subject to a maximum combined filter effluent turbidity limit. For systems that use bag filtration, which is not conventional or direct filtration, EPA Region 8 sets this limit at a value not to exceed 5 NTU. (40 C.F.R. § 141.551(b).)



2. On March 22, 2004, while the System was using bag filtration (i.e., not conventional or direct filtration), the turbidity in the System's filtered water exceeded 5 NTU, in violation of 40 C.F.R. § 141.551(b).

COUNT IV – failure to report to EPA in violation of 40 C.F.R. § 141.75(b)(3)(iii)

1. Public water systems are required to report noncompliance with 40 C.F.R. § 141.72(b)(2) to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L (for any period of time) in the water entering the distribution system. (40 C.F.R. § 141.75(b)(3)(iii).)
2. Respondent failed to report to EPA within an appropriate timeframe instances of noncompliance occurring on May 20, 2006, in violation of 40 C.F.R. § 141.75(b)(3)(iii).

COUNT V – failure to report to EPA in violation of 40 C.F.R. § 141.31(b)

1. Public water systems must report any failure to comply with any NPDWR to EPA within 48 hours. (40 C.F.R. § 141.31(b).)
2. Respondent failed to report to EPA instances of noncompliance detailed in Counts I and II, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT
IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.74 to continuously, or at least once per day, monitor residual disinfectant concentration of the water entering the distribution

- system. Respondent shall report the results to EPA within 10 days after the end of each month, as required by 40 C.F.R. § 141.75(b)(2).
2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. §141.551(a) by ensuring that the turbidity levels of representative samples of the System's filtered water must be less than or equal to 1 NTU, when bag filtration is used, or 0.3 NTU, when membrane filtration is used, in at least 95 percent of the measurements taken each month.
 3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.551(b) by ensuring that the turbidity levels of representative samples of the System's filtered water must at no time exceed 5 NTU when bag filtration is used.
 4. Within 90 days of the effective date of this Order, Respondent shall submit to EPA a complete engineering evaluation of the System to determine changes necessary to bring the System into compliance with 40 C.F.R. §§ 141.73, 141.72(b)(2), 141.74(c), and 141.551. The engineering evaluation shall include but not be limited to (1) evaluation of all operating practices which include current filtration and disinfection practices, chemical addition, and turbidity and residual disinfectant monitoring, recording and reporting practices; (2) evaluation of current filtration and disinfection equipment; (3) recommendations on all operating practices and system improvements; and (4) a schedule for implementing and completing recommended changes in operating practices and system improvements. The schedule shall include specific milestone dates, a final compliance date that shall be no later than July 31, 2007, and shall be submitted to EPA for approval. If construction is necessary, the plans must be approved by



EPA before construction can commence. An EPA approval does not substitute for any required state or local approval.

5. If system improvements are needed under paragraph 4 above, Respondent shall, beginning 4 months after EPA's plan approval, submit quarterly reports to EPA on the progress made toward bringing the System into compliance with the requirements in 40 C.F.R. §§ 141.73, 141.72(b)(2), 141.74(c), and 141.551. The reports shall be due within 10 days of the end of each calendar quarter.
6. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.75(b)(3)(iii) by reporting to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L in the water entering the distribution system.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA within 48 hours, except as otherwise required by this Order.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

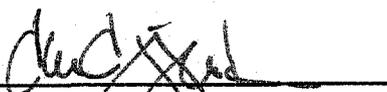
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which

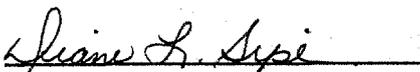


- remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
 3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
 4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 27th day of November, 2006.



Michael T. Rasner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

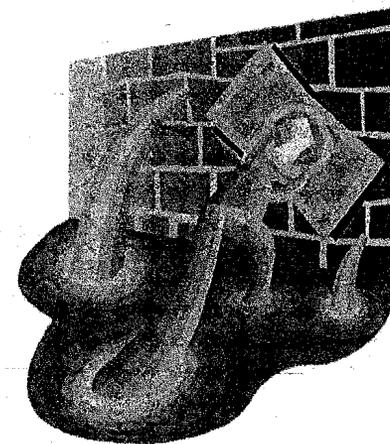


WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING





Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

