



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

DEC 12 2012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Johnson County Commissioners  
c/o Smokey Wildeman, Chairman  
76 N Main St  
Buffalo, WY 82834

Re: Notice of Safe Drinking Water Act Enforcement  
Action against the YMCA of the Big Horns  
Public Water System  
PWS ID # WY5600641


Dear Commissioners:

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

The EPA has issued an Administrative Order (Order) to Sheridan County YMCA, which owns and/or operates the YMCA of the Big Horns public water system, located in Johnson 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 report total coliform bacteria results in a timely manner, and failing to report certain violations to the EPA.

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:  
Order



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DEC 12 2012

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jay McGinnis, Executive Director  
Sheridan County YMCA  
417 N. Jefferson St.  
Sheridan, WY 82801

Re: Administrative Order  
YMCA of the Big Horns  
Public Water System  
Docket No. **SDWA-08-2013-0005**  
PWS ID #WY5600641

Dear Mr. McGinnis:

Enclosed is an Administrative Order (Order) issued by the 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 Sheridan County YMCA, as owner and/or operator of the YMCA of the Big Horns public water 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 information you believe the EPA may not have. If the Sheridan County YMCA 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.

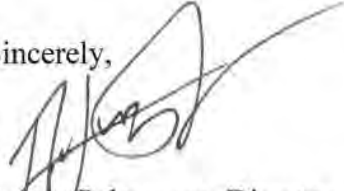
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

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 Respondent's attorney should be

directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-6905, extension 6556 or (303) 312-6905.

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  
SBREFA Information Sheet

cc:

WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk  
Sandy Sare, Program Director, Camp, Sheridan County YMCA (via email)  
Craig Cope, Wilderness Manager, Powder River Ranger District, Bighorn National  
Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 DEC 12 AM 10:19

IN THE MATTER OF: )  
 )  
Sheridan County YMCA )  
 )  
 )  
 )  
Respondent. )

Docket No. **SDWA-08-2013-0005**

FILED  
EPA REGION VIII  
HEARING CLERK

**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. Sheridan County YMCA (Respondent) is a Wyoming non-profit corporation that owns and/or operates the YMCA of the Big Horns Water System (System), which provides piped water to the public in Johnson County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of 3 wells (including 1 back-up well); water at the System is treated by disinfection.
4. The System has approximately 8 service connections and/or regularly serves an average of approximately 65 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community 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).
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 during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters annually 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 2<sup>nd</sup> quarter (April to June) of 2012 and, therefore, violated this requirement.
8. Respondent is required to report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results. 40 C.F.R. § 141.31(a). Respondent monitored the System's water for total coliform bacteria on July 24, 2012, but did not report analytical results to

EPA until October 31, 2012. Further, Respondent monitored for total coliform bacteria on July 26, 2011, but did not report analytical results for those samples until after receiving EPA's notice of violation letter dated March 15, 2012. In both of these instances, Respondent violated this reporting requirement.

9. 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 violations cited in paragraph 7, above, to EPA and, therefore, violated this requirement.

10. 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 violation cited in paragraph 9, 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):

11. Respondent shall monitor the System's water during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters annually 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.

12. 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).

13. 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 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), as required by 40 C.F.R. § 141.31(b).

15. Respondent shall direct all reporting required by this Order to:

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

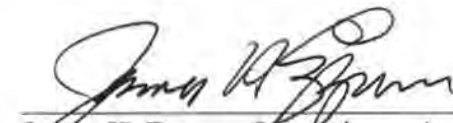



**GENERAL PROVISIONS**

16. 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.

17. 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.

Issued: December 12, 2012.

  
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

