



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

AUG 18 2014

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. Paul S. Brooks
Mayor, City of Sundance
P.O. Box 542
Sundance, WY 82729

Re: Administrative Order issued to the City of Sundance, Wyoming, PWS ID # WY5600055,
Docket No. **SDWA-08-2014-0029**

Dear Mayor Brooks:

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 City of Sundance (City), as owner and/or operator of the City of Sundance 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, copies of any notice of violation(s) provided to the public, etc.).

If the City 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 City 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 City's attorney should be directed to Mia Bearley,

Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) 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:

Order
Public Notice Template
Ground Water Rule Sample Collection Form

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Mac Erickson, Public Works Director, City of Sundance



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AUG 18 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Crook County Commissioners
c/o Jim W. Hadley, Chairman
P.O. Box 37
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act Enforcement Action against the City of Sundance
Public Water System, PWS ID # WY5600055

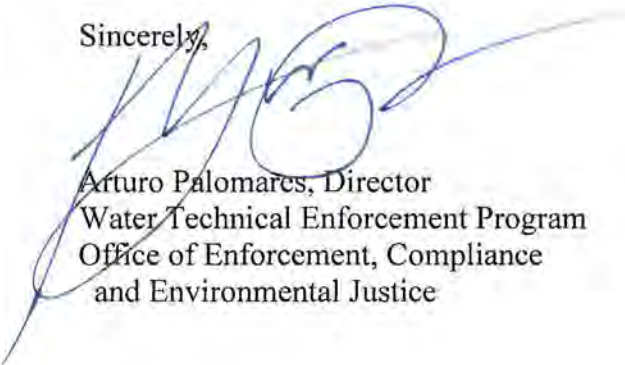
Dear Commissioners:

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 City of Sundance, which owns and operates the City of Sundance Public Water System, located in Crook County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for total coliform bacteria, failing to conduct source water monitoring following a total coliform-positive sample, failing to notify the public of certain violations, 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:
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 AUG 18 PM 2:15

IN THE MATTER OF:)
)
City of Sundance, Wyoming)
)
)
)
Respondent.)

Docket No. **SDWA-08-2014-0029**

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 City of Sundance, Wyoming (Respondent) is a municipality that owns and/or operates the City of Sundance Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of 5 wells. The water is treated by chlorination. The System has not notified the EPA that its water is treated to meet at least 4-log, or 99.99% removal of viruses.
4. The System has approximately 711 service connections used by year-round residents and/or regularly serves an average of approximately 1,200 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. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During each of the months of August and September 2013 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.
8. 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. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator (i.e. E. coli). Samples from the System's water were positive

for total coliform on July 14, 2010. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402.

9. 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 September 2013 violation cited in paragraph 7, above, and, therefore, violated this requirement.

10. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the September 2013 MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.

11. 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 did not notify the EPA of the violations cited in paragraphs 8 and 9, above, 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):

12. Respondent shall comply with the MCL for total coliform bacteria, as required by 40 C.F.R. § 141.63. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the next business day after learning of the violation, as required by 40 C.F.R. § 141.21(g)(1).

13. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, submit to the EPA a proposed plan and schedule to bring the System into compliance with the total coliform MCL as identified in 40 C.F.R. § 141.63. 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 six months of the project start date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule. 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 any modification may be made to the System.

14. The schedule required by paragraph 13, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.



15. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 13, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the total coliform MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.

16. Within 10 days after completing all tasks included in the schedule required by paragraph 13, above, Respondent shall notify the EPA of the project's completion.

17. The System shall achieve compliance with the total coliform 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.

18. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from each of its ground water sources for fecal indicator analysis (*E. coli*). If the samples are negative, Respondent shall report those results to the EPA no later than 10 days after the end of the month in which the samples are taken. If the samples are 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 to the EPA, Respondent shall specify that it is a triggered source water sample and should use the Ground Water Rule Sample Collection Form enclosed with this Order.

19. 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.

20. Within 30 days after receipt of this Order, Respondent shall notify the public of the September 2013 violation cited in paragraph 7, above, following the instructions provided with the public notice templates enclosed with this Order. 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.

21. This Order shall be binding on Respondent and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.



22. 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, Colorado 80202-1129

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 \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

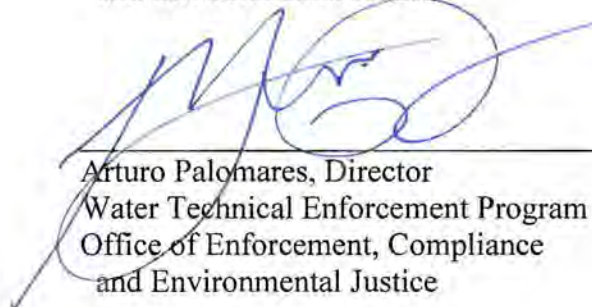
25. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: August 18, 2014.



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



Instructions for Resolved Total Coliform Notice – Template 2-2

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, 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)]. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

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) 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.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take at Least 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform 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 have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

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)].

Resolved Total Coliform Notice – Template 2-2

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in City of Sundance Public Water System

During 2013 our water system violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 20 samples to test for the presence of coliform bacteria during September 2013. Nine of those samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

What should I 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves. **Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.**

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

What is being done?

Tests since October 2013, show that this problem has been resolved.
For more information, please contact Larry Schommer at 307-283-3451.

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 City of Sundance.
State Water System ID#: WY5600055 Date distributed: _____.

WY and Tribal- Ground Water Rule

SOURCE WATER SAMPLING

Triggered Source Monitoring Sample Collection And Reporting Form

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

Utility Information Public Water System (PWS) Name:		Sampler's Name:	
PWS Identification Number (PWSID):		Phone Number:	
PWS Street Address:	City:	State:	Zip Code:
Sample Collection Date Time		Sampling Location (i.e. "SOURCE-Well #4"):	Sample Type (Check One)
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <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 Information 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	
Analyst(s) Signature:					Date signed:				

Send Copies Of Completed Forms To: Ground Water Rule Manager, Tiffany Mifflin
Email: mifflin.tiffanyv@ena.gov