



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2017 MAY 11 AM 8:06

FILED
EPA REGION VIII
HEARING CLERK

MAY 11 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Robert Grauberger, Mayor
City of Rawlins
P.O. Box 953
Rawlins, Wyoming 82301

Re: Administrative Order regarding City of Rawlins Public Water System,
PWS ID #5600045, Docket No. **SDWA-08-2017-0016**

Dear Mayor Grauberger:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 City of Rawlins (City), as owners and/or operators of the City of Rawlins 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 information the City believes the EPA may not have. If the EPA does not hear from the City, the EPA will assume the information in the Order is correct.

The Order requires the City to demonstrate the effectiveness of its filtration system. Specifically, the Order requires the City to submit a Filter Demonstration Performance Protocol to the EPA. The requirements of the Filter Demonstration Performance Protocol are enclosed with the Order.

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.

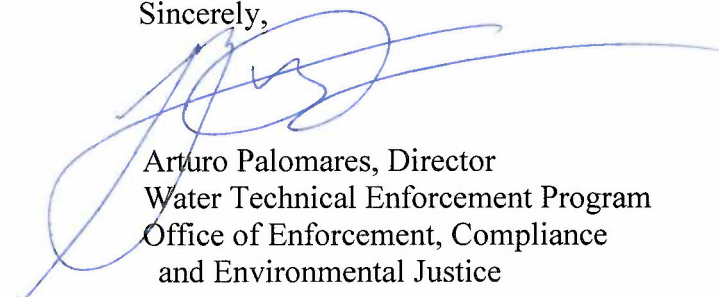
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich via email at brainich.kathelene@epa.gov or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from the City's attorney should be directed to Mia Bearley, enforcement

attorney, who may be reached via email at beasley.mia@epa.gov, by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or at the above address (with the mailcode 8ENF-L).

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

cc: Amy Bach, City Attorney (amybach@rawlins-wyoming.com)
LeRoy Lucero, Director of Public Works (llucero@rawlins-wyoming.com)
Daniel Rodriguez, Superintendent (waterplant@rawlins-wyoming.com)
Karl Smith, Engineering Associates (karl.smith@eaengineers.com)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk



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Ref: 8ENF-W-SDW

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Willing "John" Johnson, Chair
P.O. Box 6
Rawlins, Wyoming 82301

Re: Notice of Safe Drinking Water Act Enforcement Action Regarding the City of Rawlins
Public Water System, PWS ID #5600045 **Docket No.: SDWA-08-2017-0016**

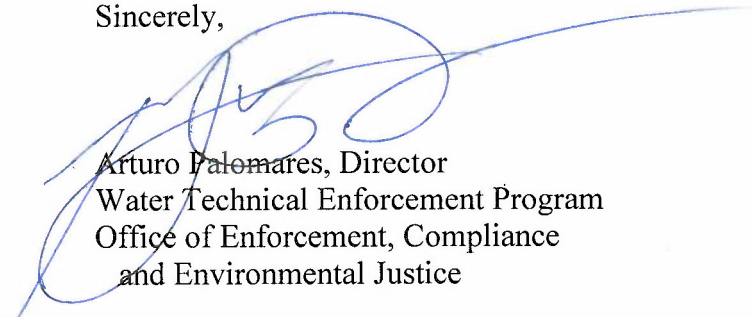
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the City of Rawlins, as owner and/or operator of the City of Rawlins Public Water System, located in Carbon County, directing it to comply with the National Primary Drinking Water Regulations. The violation alleged in the Order is failure to complete corrective action of a significant deficiency.

For more details, 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 Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2017 MAY 11 AM 8:06

IN THE MATTER OF:)
)
City of Rawlins,)
)
)
Respondent.)

Docket No. **SDWA-08-2017-0016**

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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 Rawlins (Respondent) is a municipality that owns and/or operates the City of Rawlins Public Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System is supplied by a combination of approximately 25-30 springs, 3 wells, several surface water collection reservoirs, and the North Platte River. The water is treated by alternative filtration, using perlite filter media in a pre-coat filtration process, and gaseous chlorine disinfection. There is an unused Actiflo pre-treatment plant on site.
4. The System has approximately 3,860 service connections used by year-round residents and/or regularly serves an average of approximately 9,749 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).

VIOLATION

6. Respondent is required to complete corrective action of a significant deficiency in compliance with an EPA-approved corrective action schedule. 40 C.F.R. § 141.723(d). Respondent received a letter from the EPA on December 7, 2012, that detailed significant deficiencies including filter effectiveness due to aquatic life observed in the pressure filters had the potential to impact filter effectiveness and cause the filters to not achieve adequate Cryptosporidium removal.
7. On February 1, 2013, the EPA approved Respondent’s January 21, 2013, plan to develop a system to prevent aquatic life from entering the pressure filters. Work was to be completed by March 1, 2016, however, Respondent failed to complete corrective action by this date and, therefore, violated this requirement.

8. On April 18, 2016, the EPA provided Respondent with an option to demonstrate that the filters consistently achieve adequate Cryptosporidium removal by taking two separate paired raw and filtered microscopic particulate analyses (MPAs) samples that clearly demonstrated a 3 log microorganism removal by October 31, 2016. Respondent failed to complete two paired MPAs by this date and therefore, again, violated this requirement.

ORDER

Based on the above violation, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

9. In a December 14, 2016, violation letter to Respondent, EPA outlined three options to resolve the aquatic life in the pressure filters significant deficiency, including (1) begin using a diatomaceous earth filter media in the existing precoat filtration process and install a more effective screen on the raw water line; (2) conduct a filter demonstration study of the existing filtration system; or (3) install a new filtration process that meets all applicable requirements of the Surface Water Treatment Rule at 40 C.R.R. part 141 Subparts H, T, and W. On January 31, 2017, Respondent chose to conduct a filter demonstration study (Study) to address the significant deficiency. The procedures by which Respondent shall conduct the Study are set forth in the enclosed document, "Alternative Filtration Technology Demonstration of Performance Requirements" (DOP).

- a. Within 30 days of receipt of this Order, Respondent shall submit to the EPA for approval a document setting forth Study protocol (Protocol). Respondent's Protocol submission shall incorporate all requirements Study performance requirements set forth in the DOP.
- b. Within 30 days of EPA's approval of Respondent's Protocol, Respondent shall begin the Study. Respondent shall comply with all Study requirements, protocols, and monitoring for the duration of the Study.

10. Within 90 days of beginning the Study required in paragraph 9, above, Respondent shall begin to provide quarterly study progress reports and data to the EPA. Each quarterly report is due by the 10th day of the month following the relevant calendar quarter. Within 30 days of completing the study, Respondent shall provide a final report to the EPA in which the data collected, results of the data analysis, and the conclusions and recommendations are presented and clearly summarized.

11. If the EPA determines that the results presented in the final report required in paragraph 10, above, do not demonstrate that 2 log Cryptosporidium removal is achieved under all operating conditions:

- a. Within 90 days of EPA's notification to the System of the determination, Respondent shall submit a plan and schedule to the EPA to modify or replace the System's filtration to achieve 2 log removal of Cryptosporidium.
 - b. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline within 18 months from the EPA's approval. Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.
 - c. The schedule required by subparagraph a, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
12. If the plan and schedule outlined in paragraph 11, above, is required, within 90 days of EPA's approval of the schedule, Respondent shall begin to provide quarterly plan progress reports to the EPA. Each quarterly report is due by the 10th day of the month following the relevant calendar quarter. Respondent shall notify the EPA within 30 days of completing the plan.
13. Respondent shall complete all actions described in paragraphs 9 – 12 (as applicable) no later than 3 years from receipt of this Order.
14. Respondent shall respond in writing to the EPA with a corrective action plan and schedule no later than 45 days after receipt of any future significant deficiency notification. Respondent shall complete all significant deficiency corrective action in compliance with an EPA-approved corrective action schedule. 40 C.F.R. § 141.723. Respondent shall notify the EPA within 30 days of completion of the corrective action.
15. This Order shall be binding on Respondent and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
16. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such contract, provide a copy of this Order to the contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the contract, with such notification to include the name and contact information of the person who has contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.
17. Respondent shall direct all reporting required by this Order to:

U.S. EPA Region 8 (Jake Crosby, 8WP-SD)
1595 Wynkoop Street
Denver, Colorado 80202-1129
Email: R8DWU@epa.gov
Fax: (877) 876-9101

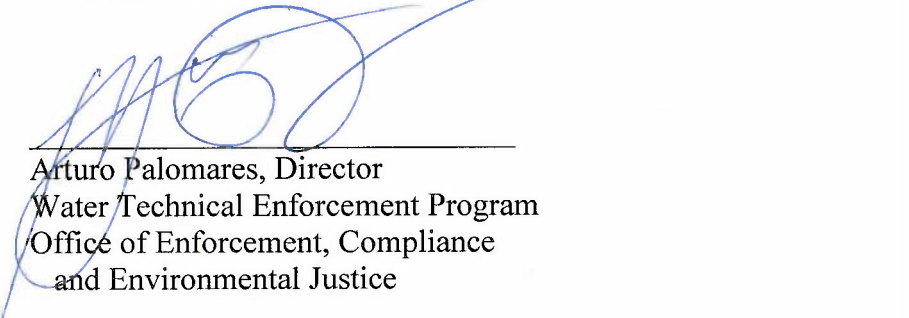
GENERAL PROVISIONS

18. 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.
19. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 82 Fed. Reg. 3633 (January 12, 2017).
20. 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).
21. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: May 11th, 2017.

David Relli for JHE

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

**Alternative Filtration Technology Demonstration of Performance Requirements
City of Rawlins, Wyoming PWS ID WY5600045**

Objective

Pursuant to the EPA's May 11, 2017, Administrative Order (Order) issued to the City of Rawlins, generate *Cryptosporidium* surrogate removal data sufficient to support the determination of whether or not the treatment facility's perlite media precoat filters are eligible to receive a 2-log *Cryptosporidium* removal credit under the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR).

Study Parameters

The treatment facility has the option of using either of the following *Cryptosporidium* surrogate parameters. Selection of the appropriate surrogate should be contingent on the results of investigative sampling of the treatment plant influent. The results of the investigative sampling (if conducted) must be provided to the EPA, and the parameter selected for the study required by paragraphs 7 and 8 of the Order (Study) must be indicated in the demonstration of performance protocol.

Sum of particles in the 3 – 5 μm size range. Particles shall be counted on site using a commercially available benchtop liquid particle counter.

Indigenous aerobic endospores. Spore samples shall be collected and shipped overnight for analysis at a lab approved by EPA Region 8.

Demonstration of Performance Protocol Elements

A Demonstration of Performance Protocol shall be developed and provided to the EPA for review and approval prior to initiation of monitoring. The following elements must be included in the protocol.

1. **Sampling Location Schematic.** Samples from the following locations must be collected:
 - a. Raw water.
 - b. Combined Filter Effluent.
 - c. Individual Filter Effluent from Filter #2.

The sampling location schematic must depict where the above samples will be collected in relation to filter media and chemical addition points, plant treatment processes, and water storage. A clear hand drawn schematic is sufficient.

2. **Sample Parameters.** At a minimum, the following parameters must be measured at each of the above sample locations during each sample event:
 - a. Total aerobic endospores.
 - b. Turbidity

-or-

 - a. Particle counts:
 - i. Particle counts in the 3 μm -5 μm size range.
 - ii. Total particle counts (2 μm – 150 μm).
 - b. Turbidity

In addition, the following plant operation parameters must be recorded at the time of each sampling event:

- a. Instantaneous plant production rate (gpm)
- b. Instantaneous filter production rate (gpm) (for Filter #2).
- c. Instantaneous differential pressure (for Filter #2).

An example sample results table that includes all of the above parameters is included in Table 1.

3. Sample collection intervals. Four sets of samples (each sample set involves monitoring all of the specified sample parameters at all of the specified sampling locations) must be collected during each shift for the duration of the Study. The first and last sample set for each shift must be collected as close as possible to the beginning and end of the shift, respectively. The intermediate sample sets during each shift must be timed so that they are collected at approximately equal intervals between each sample set. All required samples within a specific sample set must be collected within a 20-minute time interval. At least one sample set per shift must occur when the control system is maximizing filter production in response to clearwell demand.
4. Study Duration. The Study must be conducted over a time period long enough to allow for the collection of 16 sets of samples. This equates to approximately 4 days.
5. Timeframe: The Study must be conducted during a time period when all of the following conditions are met:
 - a. During the period of peak seasonal water production.
 - b. Macro organisms of concern present in the filter vessels (i.e. small fish, shrimp, etc). The presence of these organisms in the filters during the Study timeframe must be documented with photographs.
 - c. When the Peaking reservoir is in use.
 - d. Filter #2 near the end of a filtration cycle for at least part of the Study, determined by average differential pressure values >10 psi.

An example table to record information about the above conditions is in Table 2. This table also includes fields to record information about filter backwashes and filter “bumps” that occur during the Study period.

6. Analytical Equipment. Describe online and/or bench analytical equipment to be used for monitoring each analyte.
7. Quality Assurance / Quality Control.
 - a. Describe Quality Assurance / Quality Control procedures for each device including calibration or standardization.
 - b. Describe Sample Collection and Preservation Methods.

Final Report

A Final Report shall be submitted within 30 days of Study completion in which the data collected, results of the data analysis, and the conclusions and recommendations are presented and clearly summarized. EPA will evaluate these results and make a final determination.

EPA Determination

The EPA will make a determination of filter effectiveness based upon the information in the Final Report. If particle counts are selected as the *Cryptosporidium* surrogate, the sum of particles in the 3 µm -5 µm size range will be used to make the final determination.

The determination will be based on the raw water and combined filter effluent sample results. The individual filter data will be used to generate information that the system could use to improve plant operation. Typically, depending upon the quality and thoroughness of the Study and other relevant factors, the effectiveness is determined by the log removal demonstrated by each pair of raw and filtered water *Cryptosporidium* surrogate samples ($\log \text{ removal} = \log_{10}([\text{Influent surrogate count}]/[\text{Effluent surrogate count}])$). Generally, a 2 log removal credit can be assigned if $\geq 95\%$ of all sample pairs demonstrate a log removal of 2.0 or greater. It is possible that the Study results will be inconclusive and further testing will be necessary prior to making a final determination.

Table 1b: Sample Results
For use of total aerobic endospores (TAS) as a Surrogate

Date	Time	Raw Sample Tap		CFE Sample Tap		Filter #2 Sample Tap		Plant Flow Rate (gpm)	Filter #2 Flow Rate (gpm)	Filter #2 DP (psi)
		Turb (NTU)	Total Aerobic Endospores	Turb (NTU)	Total Aerobic Endospores	Turb (NTU)	Total Aerobic Endospores			

Table 2: Study Condition Information

Dates Study Conducted:			
Sources in use during Study:			
Type(s) of Aquatic Organisms Present in filters (include pictures):			
	Filter #1	Filter #2	Filter #3
Date and time of most recent backwash and precoat cycle:			
Date and time of all "filter bumps" that occurred during the Study:			
			Filter #4



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.

Small Business Programs

www.epa.gov/smallbusiness

EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's 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
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.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, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 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 - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

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

<http://www.epa.gov/sbo/rsbl.htm>

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)

www.epa.gov/sbo/507program.htm

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 provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

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

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

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.