



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 11 2007

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Andy Schwartz, Chairman  
P.O. Box 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Buffalo Valley Water District  
PWS ID#5600435

Dear County Commissioners:

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

An Administrative Order is being issued to Buffalo Valley Water District, located in Moran, Wyoming. This Order requires that Buffalo Valley Water District take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The violations include: exceedances of the total coliform and acute total coliform maximum contaminant levels (MCL).

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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure



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Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

George Leys, Chairman  
Buffalo Valley Water District  
P.O. Box 321  
Moran, Wyoming 83013

Re: Administrative Order  
Docket No. **SDWA-08-2008-0009**  
PWS ID #WY5600435

Dear Mr. Leys:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how the Buffalo Valley Water District violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Buffalo Valley Water District complies with the Order for twelve months, 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.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515, or (303) 312-6515. For legal questions, the attorney assigned to this matter is Amy Swanson, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6906 or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane L. Sipe" followed by a flourish and the letters "fn".

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

Enclosures  
Order

cc: WY DEQ (via email)  
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 DEC 11 PM 1:46

IN THE MATTER OF )  
 )  
Buffalo Valley Water District )  
P.O. Box 321 )  
Moran, Wyoming 83013 )  
 )  
Respondent )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2008-0009**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Buffalo Valley Water District (Respondent) is an association that owns and/or operates the Buffalo Valley Water District Water System (the System) in Teton County, Wyoming, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well, is not treated, and serves approximately 50 people through at least 22 service connections all year. The System is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. § 141.

VIOLATIONS

3. The drinking water regulations define the acute maximum contaminant level (MCL) for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample. 40 C.F.R. § 141.63(b). Respondent's sampling results during February 2004 exceeded the acute MCL for total coliform bacteria, and therefore violated this requirement.

4. Respondent is required to monitor the system's water at least once per month to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in March 2007, April 2007, and August 2007 exceeded the MCL for total coliform bacteria and therefore violated this requirement.

5. The drinking water regulations require public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month they provide water to the public. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least 5 routine samples in May 2007 after a total coliform positive sample in the preceding month, and therefore violated this requirement.

6. The drinking water regulations require public water systems that have exceeded the MCL for total coliform to report the violation to EPA no later than the end of the next business day after learning of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to EPA instances of noncompliance detailed in paragraphs 3 and 4 above and therefore violated this requirement.

7. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violation listed in paragraph 5 above and therefore violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions:

8. Upon receipt of this Order, Respondent shall comply with the total coliform and acute total coliform MCL. 40 C.F.R § 141.63(a)(2) and 40 C.F.R § 141.63(b). Respondent shall report any total coliform MCL violation to EPA no later than the end of the next business day after Respondent learns of the violation. 40 C.F.R. § 141.21(g)(1).

9. Within 30 days of the date of this Order, Respondent shall submit to EPA and the Wyoming Department of Environmental Quality (DEQ) detailed plans for bringing the System into compliance with the MCL for coliform bacteria. 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The plan shall incorporate the recommendations for a cross-connection control program contained in the System's February 14, 2004 Sanitary Survey. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 120 days from the date of the Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from DEQ may be required for any changes to the System.

10. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

11. Within 90 days of the date of this Order, Respondent shall begin submitting to EPA monthly reports on the progress made towards bringing the System into compliance with the coliform bacteria MCL. Respondent shall notify EPA when all improvements have been completed.

12. Upon receipt of this Order, Respondent shall comply with all sampling requirements. 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the

system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period. 40 C.F.R. § 141.31(a). Respondent shall report coliform monitoring violations to EPA within 10 days. 40 C.F.R. § 141.21(g)(2).

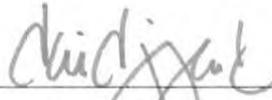
13. Reporting requirements specified in this Order shall be provided by certified mail to:

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

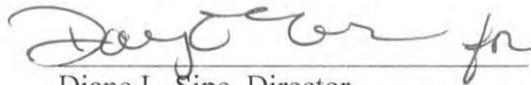
### **GENERAL PROVISIONS**

14. This Order does 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 EPA to forgo any civil or criminal action.

15. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.



Michael T. Risner, 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