



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

MAR 9 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Uinta County Commissioners
c/o Craig Welling, Chairman
225 9th Street
Evanston, WY 82930-3415

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Wyoming Department of
Transportation -
Evanston Port-of-Entry
PWS ID #WY5601217

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 the Wyoming Department of Transportation for violations at the Evanston Port-of-Entry (the system) located in Evanston, Wyoming. This Order requires that the system take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for total coliform bacteria; exceeding the maximum contaminant level for total coliform; and failing to report such violations to EPA.

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 Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure
Administrative Order





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MAR 9 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Crompton, Area Supervisor
Wyoming Department of Transportation
Evanston Port-of-Entry
P.O. Box 152
Evanston, WY 82931

Re: Administrative Order
Evanston Port-of-Entry
Public Water System
Docket No. **SDWA-08-2009-0038**
PWS ID #WY5601217

Dear Mr. Crompton:

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. section 300f et seq. Among other things, the Order describes how the Wyoming Department of Transportation has violated the National Primary Drinking Water Regulations at the Evanston Port-of-Entry Public Water System (the system) in Uinta County, Wyoming.

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 Wyoming Department of Transportation complies with the Order, 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 system to monitor at least three times per month for coliform bacteria. As indicated in the Order, in 2008 and earlier, EPA had informed the system that it needed to monitor for coliform at least quarterly. However, EPA has learned from the system that the system serves 3,000 individuals per day, thus requiring three samples per month.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions from your attorney(s), the EPA attorney assigned to this matter is Peggy Livingston, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures
Order

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Jim Montuoro, District Maintenance Engineer, WY DOT Dist. Office #3
(via certified mail, return receipt requested)
John Cox, Director, WY DOT
(via certified mail, return receipt requested)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2009 MAR -9 11:11:21

IN THE MATTER OF)
)
Wyoming Department of Transportation)
Evanston Port-of-Entry)
Evanston, WY)
)
Respondent _____)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2009-0038**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by 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 et seq.), as properly delegated to the undersigned officials.

2. The Wyoming Department of Transportation (Respondent) is a Wyoming state agency that owns and/or operates the Evanston Port-of-Entry public water system (the system) in Uinta County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well treated with chlorination. The system serves an average of approximately 3,000 people per day through 1 service connection year-round. The system is a "transient, non-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. part 141.

VIOLATIONS

3. Respondent is required to monitor the system's water regularly to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria, with the frequency to depend on the type of system (community/noncommunity, transient/nontransient), source of the system's water (surface water/ground water), and number of people served by the system. 40 C.F.R. §141.21.

4. In 2008 and earlier, EPA notified the system that the system was required to monitor its water for total coliform at least quarterly. Respondent failed to monitor the system's water for total coliform bacteria contamination during the 2nd quarter (April - June) of 2008 and, therefore, violated 40 C.F.R. §141.21.

5. Upon confirming that the system serves approximately 3,000 individuals per day, EPA notified the system on January 27, 2009, that the system is required to collect at least three (3) total coliform bacteria samples per month. 40 C.F.R. §141.21(a)(3)(ii).

6. If any sample of the system's water is positive for total coliform bacteria, Respondent is required to take four repeat samples within 24 hours of being notified of the positive result. 40 C.F.R. §141.21(b). 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 August 2008 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

7. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after learning of the violation. 40 C.F.R. §141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 4 above and, therefore, violated this requirement.

8. Respondent is required to report total coliform MCL violations to EPA no later than the next business day after learning of the violation. 40 C.F.R. §141.21(g)(1). Respondent failed to report to EPA the August 2008 total coliform MCL violation listed in paragraph 6 above and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order:

9. Respondent shall monitor the system's water at least three times per month for total coliform bacteria. Samples are to be taken at regular intervals throughout the month. 40 C.F.R. §141.21.

10. Respondent shall comply with the total coliform MCL. 40 C.F.R. §141.63.

11. Beginning within 30 days of receipt of this Order, Respondent shall take daily samples of chlorine residual in the distribution system and submit a monthly summary to EPA. Such monitoring summaries shall be due to

EPA by the 10th day following each month. Respondent shall continue such daily chlorine residual monitoring and monthly reporting until notified by EPA that such requirements may cease.

12. If additional total coliform MCL violations occur while this Order is in effect, within 60 days of the date of the violation, Respondent shall provide EPA with a compliance plan and schedule for the system to maintain consistent compliance with the total coliform bacteria MCL. 40 C.F.R. §141.63. The plan shall include an evaluation of the effectiveness of current chlorination treatment, proposed system modifications, estimated cost of the modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 4 months from the date of EPA's approval of the plan and schedule). The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specification that may also be required before modifications can be made to the system.

13. The plan and schedule required by paragraph 12, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

14. Within 30 days of EPA's approval of the plan and schedule, Respondent shall submit to EPA monthly reports on the progress made in implementing the plan and schedule required by paragraph 12, above. Each monthly report is due by the 10th day of the month following the end of each calendar month.

15. Respondent must comply with the total coliform MCL at 40 C.F.R. §141.63 even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for non-compliance.

16. Respondent shall report any total coliform MCL violation to EPA no later than the next business day after learning of the violation. 40 C.F.R. §141.21(g)(1).

17. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within ten days after discovering the violation. 40 C.F.R. §141.21(g)(2).

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

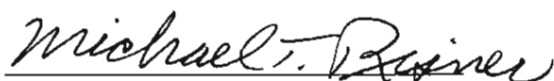
Kimberly Pardue Welch
U. S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

19. 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.

20. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 9th day of MARCH, 2009.



Michael Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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