



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET – SUITE 300  
DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

OCT 20 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Milward Simpson, Director  
Wyoming Department of State Parks  
and Cultural Resources  
2301 Central Avenue  
Cheyenne, WY 82002

Re: Administrative Order  
Docket No. **SDWA-08-2011-0002**  
South Pass City Historic Site  
PWS ID #5601137

Dear Mr. Simpson:

Enclosed is an Administrative Order (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 Wyoming Department of State Parks and Cultural Resources (SPCR), as owner and/or operator of the South Pass City Historic Site, has 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 SPCR 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 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.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

OCT 20 2010

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Fremont County Commissioners  
c/o Doug Thompson, Chair  
450 N. 2<sup>nd</sup>, Room 220  
Lander, WY 82520

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Wyoming Department of State Parks and  
Cultural Resources (South Pass City  
Historic Site) PWS ID#5601137

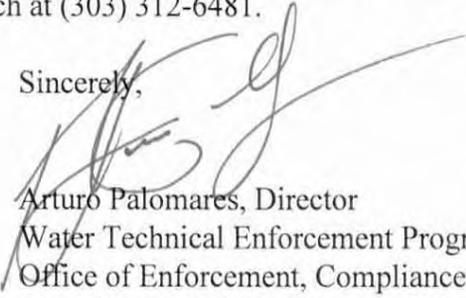
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the 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 State Parks and Cultural Resources, as owner/operator of the South Pass City Historic Site in South Pass, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor total coliform bacteria and failure to notify EPA of the violations.

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

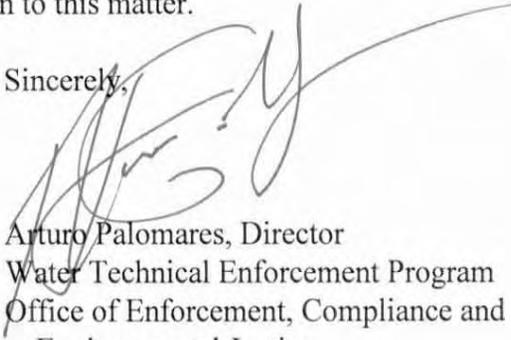


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To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from SPCR's attorney should be directed to Peggy Livingston, Enforcement Attorney, who can 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,



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

Enclosures  
Order  
SBREFA

cc: Joe Ellis, South Pass City Historic Site  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 OCT 20 AM 9:55

IN THE MATTER OF: )  
 )  
Wyoming Department of State )  
Parks and Cultural Resources )  
 )  
Respondent. )

Docket No. **SDWA-08-2011-0002**

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 the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. (the Act), as properly delegated to the undersigned officials.
2. The Wyoming Department of State Parks and Cultural Resources (Respondent) is a State agency that owns and/or operates the South Pass City Historic Site Water System (the system), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well and is operated seasonally from May through September. The water is treated by filtration and disinfection.
4. The system has approximately 13 service connections and regularly serves at least 130 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the system's water for total coliform bacteria during the 2<sup>nd</sup> (April-June) and 3<sup>rd</sup> (July-September) quarters of 2010, and, therefore, violated this requirement.
7. Respondent is required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify EPA of the violations cited in paragraph 6 above.

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):

8. Respondent shall monitor the system's water quarterly during 2<sup>nd</sup> and 3<sup>rd</sup> quarters for total coliform bacteria, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

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

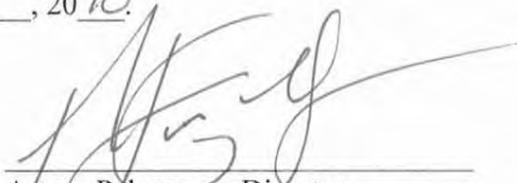
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

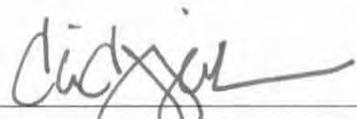
GENERAL PROVISIONS

10. 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.

11. 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: October 20, 2010.

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

  
\_\_\_\_\_  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice