



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

AUG 27 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Big Horn County Commissioners
c/o Jerold S. Ewen, Chairman
2881 Beaver Creek Road
Shell, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Town of Frannie
Public Water System
PWS ID # WY5600210

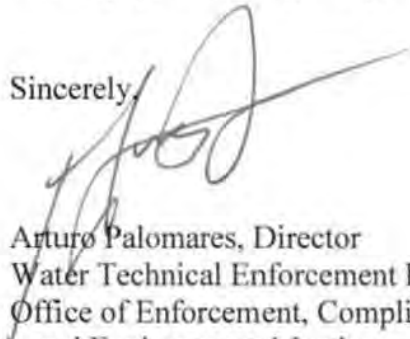
Dear Commissioners:

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.

The EPA has issued an Administrative Order (Order) to the Town of Frannie, which owns and/or operates the Town of Frannie public water system, located in Big Horn County, WY, directing the Town to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, failing to monitor for chlorine residuals, failing to issue a Consumer Confidence Report, failing to provide public notice for various violations and failing to report multiple 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:
Order



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AUG 27 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. John R. Cordner
Mayor, Town of Frannie
P.O. Box 72
Frannie, WY 82423

Re: Administrative Order
Town of Frannie Public Water System
Docket No. **SDWA-08-2012-0046**
PWS ID #WY5600210

Dear Mayor Cordner:

Enclosed is an Administrative Order (Order) issued by the 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 Town of Frannie (Town), as owner and/or operator of the Town of Frannie 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 you believe the EPA may not have.

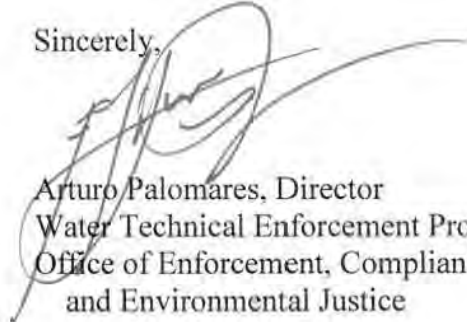
If the Town complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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 Town's attorney should be directed

to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

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

cc:
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Phillip Klebenstein, Operator. Town of Frannie Water System

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 AUG 27 AM 11:09

IN THE MATTER OF:)

The Town of Frannie, WY)

Respondent.)

Docket No. **SDWA-08-2012-0046**

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 Town of Frannie (Respondent) is a municipality that owns and/or operates the Town of Frannie Water System (System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System purchases water from a supplier using a surface water source.
4. The System has approximately 84 service connections used by year-round residents and/or regularly serves an average of approximately 207 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. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the month of October 2011 and, therefore, violated this requirement.

8. Respondent is required to monitor the residual disinfectant level in the System's distribution system at the same time and place as total coliforms are sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent failed to monitor the System's water for residual disinfectant in October 2011 and March 2012, and, therefore, violated this requirement. Note: EPA received chlorine residual data from Respondent for March 2012 on June 11, 2012, after EPA had issued a violation letter on May 23, 2012.

9. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for calendar year 2011 to the System's customers and to the EPA. Therefore, Respondent violated these requirements. Note: Certification for the calendar year 2011 CCR is due to EPA by October 1, 2012.

10. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations cited in paragraph 7, above, to EPA 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 failed to report the violations cited in paragraphs 8 and 9 to the EPA 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 monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

13. Respondent shall monitor the residual disinfectant level in the System's water in the distribution system at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.132(c)(1) and 141.21. No later than 10 days after the end of each month, Respondent



shall report residual disinfectant sample results and all information required by 40 C.F.R. § 141.132(c)(1) to the EPA, as required by 40 C.F.R. § 141.134.

14. Within 30 days after receipt of this Order, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System for calendar year 2011 and distribute the report to the System's customers and the EPA. No later than October 1, 2012, Respondent shall certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

15. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

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

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


GENERAL PROVISIONS

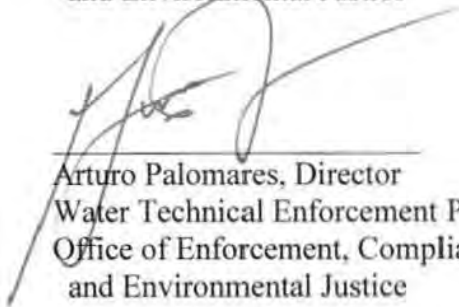
17. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.



18. 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: August 27, 2012


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

