



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

JUL 28 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Platte County Commissioners  
c/o Tim Millikin, Chair  
P.O. Box 728  
County Courthouse  
Wheatland, WY 82201-0728

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Town of Wheatland  
Public Water System  
PWS ID #WY5600187

Dear County Commissioners:

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

EPA has issued an Administrative Order (Order) to the Town of Wheatland, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the total coliform maximum contaminant level, failing to monitor for nitrate, failing to monitor for synthetic organic contaminants, failing to monitor for inorganic contaminants, failing to monitor for volatile organic contaminants, failing to monitor for radionuclides, failing to issue public notice and failing to report these violations to 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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares".

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

Enclosure:  
Administrative Order



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Ref: 8ENF-W

JUL 28 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Honorable Jean Dixon  
Mayor, Town of Wheatland  
600 9<sup>th</sup> Street  
Wheatland, WY 82201

Re: Administrative Order  
Town of Wheatland  
Public Water System  
Docket No. **SDWA-08-2011-0056**  
PWS ID #WY5600187

Dear Mayor Dixon:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that the Town of Wheatland (the town) has violated the National Primary Drinking Water Regulations (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 town 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.

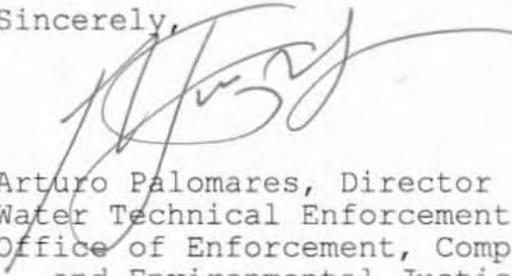
The Order requires the town to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

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. Any questions from the town's attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at

the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

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  
Public notice template

cc:

WY DEQ/DOH (via email)  
Pete Delgado, Operator  
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 JUL 28 PM 1:36

IN THE MATTER OF: )  
 )  
Town of Wheatland, WY, )  
 )  
Respondent. )

Docket No. SDWA-08-2011-0056

ADMINISTRATIVE ORDER

FILED  
EPA REGION VIII  
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. The Town of Wheatland (Respondent) is a municipality that owns and/or operates the Town of Wheatland Water System (the system), which provides piped water to the public in Platte County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of eight wells. With the exception of water from the Black Mountain #1 well, which feeds directly into the distribution system, the water is treated with chlorine gas.

4. The system has approximately 1150 service connections used by year-round residents and/or regularly serves at least 3349 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 § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If two or more samples collected in any month from the system's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months

of January 2007, December 2008, July 2010 and September 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement. Respondent monitored the system's water for nitrate on May 13, 2011.

9. Respondent is required to monitor the system's water for synthetic organic (pesticide/herbicide) contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the system's water for pesticide/herbicide organic contaminants during 2008 - 2010 and, therefore, violated this requirement.

10. Respondent is required to monitor the system's water for certain inorganic contaminants at least once every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the system's water for inorganic contaminants during 2008 - 2010 and, therefore, violated this requirement.

11. Respondent is required to monitor the system's water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the system's water for volatile organic contaminants during 2008 - 2010, and, therefore, violated this requirement.

12. Respondent was required to conduct initial quarterly monitoring of the system's water for radionuclides prior to December 31, 2007. 40 C.F.R. § 141.26(a). Respondent failed to monitor the system's water for radionuclides during the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2007, and, therefore, violated this requirement. On February 26, 2009, EPA placed the system on a 3-year monitoring cycle based on the initial monitoring results collected in 2008.

13. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the violations cited in paragraph 12, above, and, therefore, violated this requirement. Public notice for the 2008 - 2010 failure to monitor violations cited in paragraphs 8 through 11 is not yet overdue.

14. Respondent is required to report any coliform MCL violation to EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 7, above, and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 through 13, above, to 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):

16. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63. If the system's water exceeds the total coliform MCL, Respondent shall report this violation to EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

17. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 4 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

18. The plan and schedule required by paragraph 17, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

19. Within 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

20. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than four months after receipt of EPA's approval of the plan and schedule required by paragraph 17 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

21. Within 30 days of receipt of this Order and per the regulations thereafter, Respondent shall monitor for synthetic organic contaminants. 40 C.F.R. § 141.24.

22. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for inorganic contaminants. 40 C.F.R. § 141.23(a) and (c).

23. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for volatile organic contaminants. 40 C.F.R. § 141.24.

24. Respondent shall monitor the system's water at each entry point for radionuclides no later than December 31, 2011, and per the regulations thereafter. 40 C.F.R. § 141.26(a).

25. Within 30 days of receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 8 through 12, above, as required by 40 C.F.R. 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.

26. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated

by the State, whichever is earlier. 40 C.F.R. § 141.31(a).

27. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. § 141.31(b).

28. 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**

29. 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.

30. 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: July 28, 2011.



David Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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



Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Compliance Assistance Centers

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### Agriculture

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

#### Automotive Service and Repair

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### Chemical Industry

([www.chemalliance.org](http://www.chemalliance.org))

#### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### Education

([www.campuserc.org](http://www.campuserc.org))

#### Healthcare Industry

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### Metal Finishing

([www.nmfr.org](http://www.nmfr.org) or 1-734-995-4911)

#### Paints and Coatings

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### Printed Wiring Board Manufacturing

([www.pwbr.org](http://www.pwbr.org) or 1-734-995-4911)

#### Printing

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

#### Transportation Industry

([www.transource.org](http://www.transource.org))

#### Tribal Governments and Indian Country

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### US Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators

([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### EPA's Home Page

[www.epa.gov](http://www.epa.gov)

#### Small Business Gateway

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### Compliance Assistance Home Page

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)



## TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

**Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).**

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

### Templates

Monitoring Violations Annual Notice–Template 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

**After Issuing the Notice**

**Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch  
US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements Not Met for Town of Wheatland**

Our water system violated several drinking water standards over the past few years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis and conduct additional sampling when monitoring indicates the presence of total coliform in the water. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to monitor for radionuclides, nitrate, synthetic organic contaminants, inorganic contaminants and volatile organic contaminant and therefore cannot be sure of the quality of our drinking water during that time.

**What should I do?**

**There is nothing you need to do at this time.**

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<b>Contaminant</b>	<b>Required sampling frequency</b>	<b>When all samples should have been taken</b>	<b>When samples were or will be taken</b>
Radionuclides	Four consecutive quarters prior to December 31, 2007	2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> quarters of 2007	System collected the required samples in 2008.
Failure to monitor nitrate	1 sample annually	2010	5/13/2011
Failure to monitor synthetic organic contaminants	Triennially	2008 - 2010	
Failure to monitor inorganic contaminants	Triennially	2008-2010	
Failure to monitor volatile organic contaminants	Triennially	2008-2010	

**What happened? What is being done?**

For more information, please contact [name and number of contact person] \_\_\_\_\_ or [Address] \_\_\_\_\_

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by **Town of Wheatland**  
State Water System ID#: **WY5600187**

Date distributed or dates posted: \_\_\_\_\_