



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

APR 19 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Park County Commissioners
c/o Jill Shockley Siggins, Chair
Park County Courthouse
1002 Sheridan Ave.
Cody, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against Park County School District #6,
Wapiti Elementary School
PWS ID # WY5600571

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to the Park County School District #6 for the Wapiti Elementary School, located in Park County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for lead and copper.

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,

A handwritten signature in black ink, appearing to read "Darcy O'Connor", written over a horizontal line.

Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order



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APR 19 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Brian Monteith, Superintendent
Park County School District #6
919 Cody Avenue
Cody, WY 82414

Re: Administrative Order
Wapiti Elementary School Public
Water System
Docket No. **SDWA-08-2010-0034**
PWS ID #WY5600571

Dear Dr. Monteith:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that the Park County School District #6 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 School District 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.

To submit information or request an informal conference with 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 School District's attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darcy O'Connor', with a long horizontal flourish extending to the right.

Darcy O'Connor, Acting 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
Chris Royer, Facilities Manager, Park County School District #6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 APR 19 AM 9:11

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

Park County School District #6,)

Respondent.)

Docket No. SDWA-08-2010-0034

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. Park County School District # 6 (Respondent) is a "body corporate" under Wyoming law, and therefore a "person" as that term is defined in § 1401(12) of the Act and 40 C.F.R. § 141.2., that owns and/or operates the Wapiti Elementary School Water System (the system), which provides piped water to the public in Park County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of 1 well.
4. The system has approximately one service connection and/or regularly serves at least 30 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 "non-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).
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. Respondent is required to monitor the system's water triennially for lead and copper by collecting at least five samples during June through September every three years. 40 C.F.R. § 141.86(c) and (d). Respondent most recently monitored the system's water for lead and copper on December 14, 2009. However, as Respondent was required to sample the system's water for lead and copper between June 1, 2009 and September 30, 2009 for the 2007 – 2009 triennial period, Respondent failed to monitor the system's water for lead and

copper during the required period and, therefore, violated this requirement.

8. Respondent is required to report any violation of any drinking water regulation to EPA within 48 hours, except where the drinking water regulations specify a different time period. Respondent failed to report the violation cited in paragraph 7 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):

9. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

10. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours or, if another time period for reporting is specified in the drinking water regulations, within that time period.

11. 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

12. 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.



13. 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: April 19 _____, 2010.

David Rochlin

Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Darcy O'Connor

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

