



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

AUG 29 2011

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Terry Weickum, Chair
P.O. Box 6
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Baggs
PWS ID#5600058

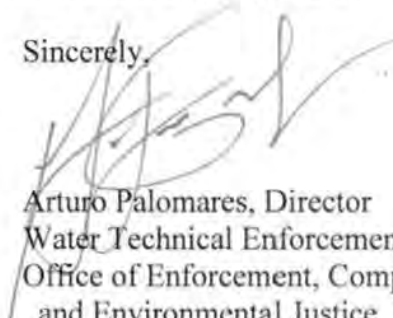
Dear Commissioners:

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 Town of Baggs, Wyoming. This Order requires that the Town of Baggs take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding the total trihalomethane (TTHM) maximum contaminant level, exceeding turbidity limits, and failure to provide timely public notice.

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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REGION 8

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AUG 29 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Katherine Staman
Mayor, Town of Baggs
P.O. Box 300
Baggs, WY 82321

Re: Administrative Order
Town of Baggs
Docket No. **SDWA-08-2011-0063**
PWS ID #WY5600058

Dear Mayor Staman:

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 Baggs (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.

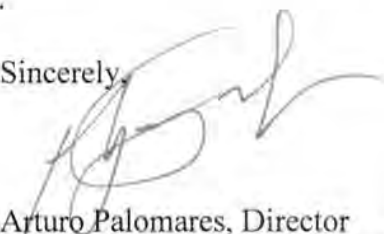
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

To submit information or request an informal conference with EPA, please 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 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
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 AUG 29 AM 10: 54

IN THE MATTER OF)
)
Town of Baggs, Wyoming)
)
Respondent.)
_____)

ADMINISTRATIVE ORDER

EPA REGION VIII
RECEIVED
AUG 29 2011

Docket No. **SDWA-08-2011-0063**

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

3. The system is supplied by the Little Snake River, a surface water source, and has been treated by alternative (membrane) filtration and disinfection since June 2007 (prior to then it was treated by conventional filtration and disinfection).

4. The system has approximately 288 service connections and 490 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).

VIOLATIONS

6. The maximum contaminant level (MCL) for total trihalomethane (TTHM) is 0.080 milligrams per liter (mg/l), based on a running annual average (RAA) of quarterly averages. 40 C.F.R. §§ 141.64 and 141.133(b). The RAA of quarterly averages of TTHM samples from the system for the 2nd (April-June) and 4th (October-December) quarters of 2010, and the 1st (January-March) and 2nd quarters of 2011 exceeded 0.080 mg/l and, therefore, Respondent violated the TTHM MCL.

7. Respondent is required to monitor the system's filtered water for turbidity by monitoring representative samples of the filtered water at least every four hours that the system serves water to the public. 40 C.F.R. § 141.74(c)(i). The monthly combined filter effluent turbidity level of 0.3 Nephelometric Turbidity Units (NTU) for alternative (membrane) filtration must be met in at least 95 percent of the turbidity measurements taken each month. 40 C.F.R. § 141.551(a). Turbidity

monitoring results from the system's filtered water only met the 0.3 NTU limit 88 percent of the time during April 2010 and, therefore, Respondent violated this requirement.

8. Respondent is required to comply with the maximum combined filter effluent turbidity limit of 1 NTU, and may at no time exceed the limit during any month. 40 C.F.R. § 141.551(b). Turbidity monitoring samples from the system's filtered water were measured at 2.9 NTU on April 19, 2010, and 2.2 NTU on April 20, 2010, and, therefore, Respondent violated this requirement.

9. Prior to June 2007, the system utilized conventional filtration and Respondent was required to operate the system with enhanced coagulation or enhanced softening to achieve specified total organic carbon (TOC) percent removal level every month. 40 C.F.R. § 141.135 (a)(1). Respondent was required to calculate compliance with the TOC removal ratio each month and compliance was determined by a RAA after 12 months of data was collected. The RAA of TOC removal ratio must be at least 1.00 to be in compliance. 40 C.F.R. § 141.135(c). Respondent's RAA of TOC removal ratio for data collected from April 2006 through March 2007 was calculated at 0.88, and, therefore, Respondent violated this requirement.

10. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner and required time period specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the 1st and 2nd quarter 2011 violations cited in paragraph 6, above, and, therefore, violated this requirement. Further, public notice for the 2nd and 4th quarters of 2010 TTHM MCL violations were not accomplished within 30 days of the violations and, therefore, violated this requirement. Public notice for the 2nd quarter of 2010 violation was not issued until September 2, 2010, and for the 4th quarter of 2010 violation the public notice was not issued until March 31, 2011.

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):

11. Within 90 days after receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent compliance with the TTHM MCL, as stated in 40 C.F.R. §§ 141.64 and 141.133(b), and maintain compliance with the turbidity requirements at 40 C.F.R. §§ 141.551(a) and (b). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the TTHM MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 12 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 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.

12. The plan and schedule required by paragraph 11, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA.

13. Within 30 days of receiving EPA's approval of the plan and schedule required by paragraph 11, above, Respondent shall provide EPA with quarterly reports on the progress made toward bringing the system into compliance with the TTHM MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.

14. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 11, above, Respondent shall notify EPA of the project's completion.

15. Respondent shall achieve and maintain compliance with the TTHM MCL by the final date specified in the approved plan, or no later than 12 months after receiving EPA's approval of the plan and schedule required by paragraph 11, above, whichever is earliest. Respondent must meet that deadline even if the plan as approved does not achieve and maintain compliance. If implementation of the plan fails to achieve permanent compliance with both the TTHM MCL and turbidity requirements, EPA may order further steps and/or seek penalties for noncompliance.

16. Respondent shall comply with the monthly combined filter effluent turbidity limit of 0.3 NTU in at least 95 percent of the turbidity measurements taken each month. 40 C.F.R. § 141.551(a). Respondent shall report any violation of the monthly combined filter effluent turbidity limit to EPA by the 10th day of the following month. 40 C.F.R. § 141.570(a)(2).

17. Respondent shall comply with the maximum turbidity limit of 1 NTU. 40 C.F.R. § 141.551(b). Respondent shall report any violation of the single combined filter effluent turbidity limit to EPA no later than the end of the next business day. 40 C.F.R. §§ 141.203(b)(3) and 141.202(a)(6).

18. Within 30 days of receiving this Order, Respondent shall notify the public of the 1st and 2nd quarter 2011 TTHM violations cited in paragraph 6, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

19. All reporting required by this Order shall be directed to:

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

GENERAL PROVISIONS

20. 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.

21. 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 this 29th day of August, 2011.

David Rolle for

Matthew Cohn, 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