

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP - 4 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o Wally J. Johnson, Chair
80 W. Flaming Gorge Way, Ste. 109
Green River, WY 82935

Re: Notice of Safe Drinking Water Act Enforcement
Action against Clearview Improvement & Service
District Public Water System
PWS ID # WY5600091


Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Clearview Improvement & Service District (District). This Order requires that the District take measures to return the Clearview Improvement & Service District public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform bacteria, failure to prepare, distribute and certify accurate Consumer Confidence Reports and failure to report such 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 this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,


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

Enclosure:
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lee Splett, President
Clearview Improvement & Service District
117 Mountain View drive
P.O. Box 2634
Rock Springs, WY 82901

Re: Administrative Order
Clearview Improvement & Service District
Docket No. **SDWA-08-2012-0049**
PWS ID #5600091

Dear Mr. Splett:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Clearview Improvement & Service District (District), as owner and/or operator of the Clearview Improvement & Service District public 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 District 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.

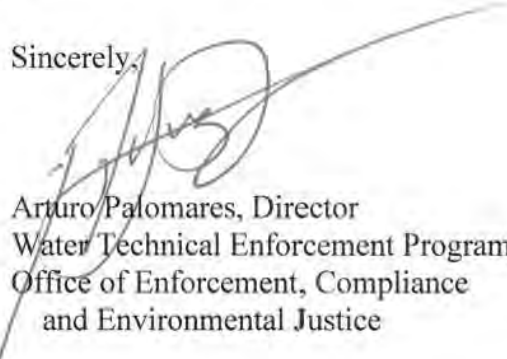
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

The Order requires the District 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 the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467 or (303) 312-6467. Any questions from the District'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
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Margaret R. Jones, Financial Secretary and District Manager

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 SEP -4 PM 12:10

IN THE MATTER OF:)
)
Clearview Improvement & Service District,)
)
)
Respondent.)

Docket No. **SDWA-08-2012-0049**

FILED
EPA REGION 8
ADMINISTRATIVE ORDER

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the U.S. 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 Clearview Improvement & Service District (Respondent) is a municipality under Wyoming law that owns and/or operates the Clearview Improvement & Service District Water System (System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System purchases water from Rock Springs Public Water System which is supplied by a surface water source. The water is filtered and disinfected by the Rock Springs/Green River Joint Powers Board public water system.
4. The System has approximately 276 service connections and regularly serves an average of approximately 400 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 May 2008, January 2012, March 2012, April 2012, May 2012 and June 2012 and, therefore, violated this requirement.
8. 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 listed in paragraph 7, above, to the EPA and, therefore, violated this requirement.
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 properly prepare and deliver an annual CCR for 2008, 2009 and 2011 to the System's customers and to the EPA. Respondent submitted late and/or inaccurate CCRs for 2008, 2009 and 2010 on August 3, 2009, September 10, 2010 and July 1, 2011. Additionally, the CCR must include information on drinking water violations that occurred during the year covered by the report. 40 C.F.R. § 141.153. Respondent failed to include the required information on the violations in the CCR for 2008. Respondent also failed to provide a certification to the EPA for 2006 and 2007. Therefore, Respondent violated these requirements.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violation cited in paragraph 7, above, 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 9 and 10, above, 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. Within 30 days of 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 2011 and distribute the report to the System's customer 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. §§ 141.152-141.155.

14. Within 30 days after receipt of this Order, Respondent shall notify the public of the May 2008 violation cited in paragraph 7, above, following the instructions provided with the public notice template provided to Respondent with this Order. 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 after providing public notice, Respondent shall submit a copy of the notice to the EPA.

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:

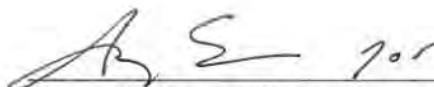
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129


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 the EPA to forgo any civil or criminal action.

18. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$37,500 per day of violation (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: August 31, 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

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

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)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Clearview Improvement & Service District

DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2008

We are required to monitor the drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During May, 2008 we did not complete monitoring or testing for total coliform bacteria contamination 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 contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform	One per month	0	May 2008	June 2008

What happened? What is being done?

Will sample as required in future. Call Margaret Jones (307) 362-1140 if you have questions.

Certification

After delivering this notice, enter the date delivered, sign below and send a copy to:

Olive Hofstader
Environmental Protection Agency
1595 Wynkoop Street, Attn: 8ENF-W
Denver, CO 80202

Date and method of delivery _____

Signature _____