



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

DEC 20 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Steve Maier, Chair
224 S. Main Street, Suite B1
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Town of Ranchester
PWS ID # WY5600044

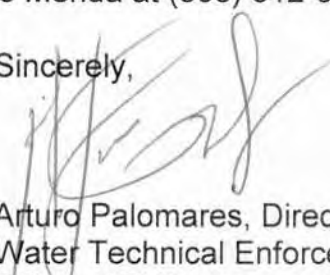
Dear Commissioners:

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 Town of Ranchester, located in Sheridan County, WY, directing it 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 disinfection byproduct precursors, failing to report residual disinfectant levels, and failing to submit a complete Initial Distribution System Evaluation report.

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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REGION 8

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DEC 20 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Cliff Clevenger, Mayor
Town of Ranchester
P.O. Box 695
Ranchester, WY 82839

Re: Administrative Order
Town of Ranchester Public Water
System
Docket No. SDWA-08-2011-0008
PWS ID #WY5600044

Dear Mayor Clevenger:

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 Town of Ranchester (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. EPA recognizes that the Town has consistently complied with the Total Coliform Rule since 2006.

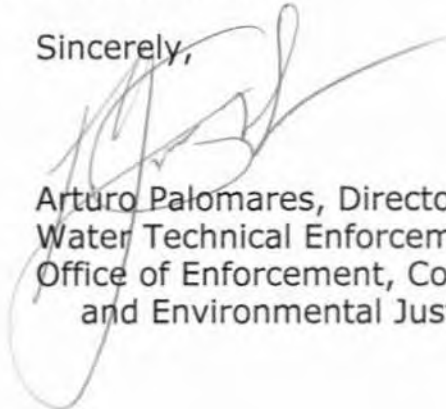
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility 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 public notice templates explaining the public notice requirements in more detail.

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 Town's attorney should be directed to Charles Figur, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6915 or (303) 312-6915.

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 Templates

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Tracey Kepley, Operator, Ranchester Water System

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 DEC 20 AM 8:10

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

Docket No. SDWA-08-2011-0008

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 the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The Town of Ranchester (Respondent) is a municipality that owns and/or operates the Town of Ranchester Water System (the system), which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
3. The system is supplied by a surface source. The system's water is filtered by a conventional treatment system and further treated by chlorine gas.
4. The system has approximately 261 service connections used by year-round residents and/or regularly serves an average of approximately 700 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. Respondent is required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2). Respondent collected a sample for monthly compliance purposes on July 5, 2006, but did not deliver this sample to

the lab until July 11, 2006, well after the maximum holding time, and the sample was not tested. Respondent, therefore, violated this requirement.

8. Respondent is required to monitor the system's water for disinfection byproduct precursors, taking quarterly paired samples of Total Organic Carbon (TOC) from source water and treated water, with an alkalinity sample of the source water taken at the same time. 40 C.F.R. § 141.132(d). Respondent failed to monitor the system's water for disinfection byproduct precursors during the 1st quarter (January – March) of 2010 and during the 4th quarter (October – December) of 2008, and, therefore, violated this requirement.

9. Respondent is required to monitor the residual disinfectant level in the system's distribution system at the same time and place as total coliform bacteria are to be sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent is required to report results to EPA within 10 days after the end of each monitoring period in which samples were collected. 40 C.F.R. § 141.134(a). Respondent monitored the residual disinfectant level in October 2009 but failed to report results until March 3, 2010, and, therefore, violated this requirement.

10. Respondent was required to conduct an Initial Distribution System Evaluation (IDSE), including collection of a dual sample set of total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) every 90 days between May 2009 and February 2010 per the system's approved Standard Monitoring plan, and submit this report including sample results to EPA by July 1, 2010. 40 C.F.R. § 141.601(b) and (c). Respondent failed to collect the required dual sample set of TTHM and HAA5 in February 2010, and as a result did not submit a complete IDSE Report by July 1, 2010. Respondent, therefore, violated this requirement. Note: On August 23, 2010, EPA issued an extension until May 1, 2011 for Respondent to submit the required final IDSE report.

11. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 7 through 9, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.



13. Respondent is required to report any failure to comply with any drinking water regulation to 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, 9 and 10 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):

14. Respondent shall monitor the system's water for total coliform bacteria monthly, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within ten days after discovery, as required by 40 C.F.R. § 141.21(g)(2).

15. Respondent shall monitor the system's water quarterly for disinfection byproduct precursors, as required by 40 C.F.R. § 141.132(d). Respondent shall report analytical results to EPA within the first 10 days of the end of each quarter, including its calculation of the TOC removal percentage and all information required by 40 C.F.R. § 141.134(d).

16. Respondent shall monitor the residual disinfectant level in the system's water in the distribution system at the same time and at the same location as it collects each total coliform sample, as required by 40 C.F.R. §§ 141.132(c)(1) and 141.21. Respondent shall report residual disinfectant sample results and all information required by 40 C.F.R. § 141.134(c)(1) quarterly to EPA no later than 10 days after the end of each quarter, as required by 40 C.F.R. § 141.134.

17. Respondent shall collect the required dual sample set of TTHM and HAA5 samples during the first week of February 2011 and submit a complete IDSE Report to EPA by May 1, 2011, as required by 40 C.F.R. § 141.601(b) and (c).

18. 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, as required by 40 C.F.R. § 141.31(b).

19. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 9, above, following the instructions provided with the public notice templates 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 EPA.

20. 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

21. 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.

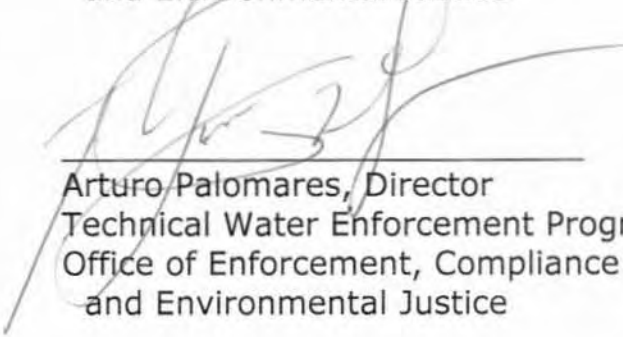


22. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: December 20, 2010.



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



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

