



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

SEP 30 2016

2016 SEP 30 PM 1:12

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U.S. Department of Veterans Affairs
c/o Kathy Berger, Director
Sheridan VA Medical Center
1898 Fort Road
Sheridan, Wyoming 82801

Re: Administrative Order issued to Sheridan VA Medical Center Public Water System,
PWS ID # 5680001, Docket No.: SDWA-08-2016-0038

Dear Ms. Berger:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 Department of Veterans Affairs (Department), as owner and/or operator of the Sheridan VA Medical Center Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information the Department believes the EPA may not have (e.g., any monitoring that may have been done but not submitted). If the EPA does not hear from the Department, the EPA will assume this information is correct.

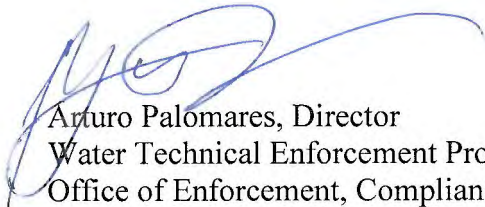
If the Department complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties.

The Order requires the Department 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.

If you have any questions or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W), via email at Hofstader.olive@epa.gov, or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AP', is written over the typed name and title.

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

cc: Mr. Mike Fox, Chief Operator (via email)

WY DEQ/DOH (via email)

Melissa Haniewicz, EPA Regional Hearing Clerk



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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
Bob Rolston, Chairman
224 S. Main Street, Suite B1
Sheridan, Wyoming 82801

Re: Notice of Safe Drinking Water Act Enforcement Action against the Sheridan VA Medical Center Public Water System, PWS ID # 5680001, Docket No.: SDWA-08-2016-0038

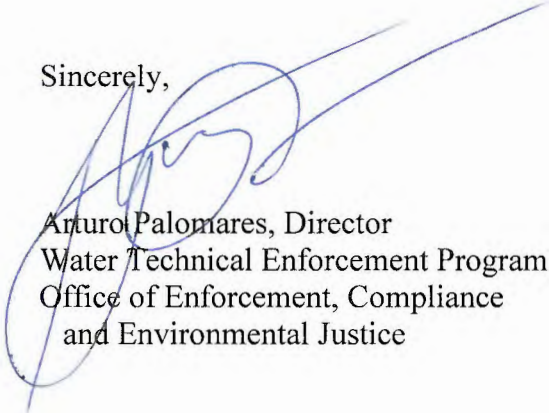
Dear Commissioners:

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 U.S. Department of Veterans Affairs, the owner and operator of the Sheridan VA Medical Center Public Water System (System) located in Sheridan County, WY. This Order requires that the Department take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceedance of the maximum contaminant level for haloacetic acids (five) and failure to provide public notice of the violation.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2016 SEP 30 PM 1:12

IN THE MATTER OF:)
)
)
U.S. Department of Veterans Affairs,)
Sheridan VA Medical Center)
)
)
Respondent. _____)

Docket No. : SDWA-08-2016-0038

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HEARING CLERK

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States 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 U.S. Department of Veterans Affairs (Respondent) is a federal agency that owns and/or operates the Sheridan VA Medical Center Public Water System (System), which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
3. The System is supplied by a surface water source. This water is treated with pre-sedimentation followed by ultra-filtration membrane filtration that is classified as alternative filtration. The System also provides disinfection using calcium hypochlorite.
4. The System has approximately 15 service connections used by year-round residents and/or regularly serves an average of approximately 60 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. The Maximum Contaminant Level (MCL) for haloacetic acids (HAA5) is 0.060 milligrams per liter (mg/l), based on a locational running annual average (LRAA) of four consecutive quarterly HAA5 samples. 40 C.F.R. §§ 141.64 and 141.620. The LRAA of HAA5 samples at sampling location Building 90 – Boiler Plant, exceeded 0.060 mg/l during the 2nd quarter of 2016 (from the 3rd quarter of 2015 to the 2nd quarter of 2016), and, therefore, Respondent violated the HAA5 MCL.
8. 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.

9. 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 violation cited in paragraph 7, 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):

10. Within 60 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule to bring the System into and maintain compliance with the requirements as stated in 40 C.F.R. §§ 141.64 and 141.620. The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, a project completion deadline and the final deadline by which Respondent shall achieve compliance (which shall be within one year of the project completion deadline). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.
11. The schedule required by paragraph 10, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
12. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 10, above, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the cited requirements. Each quarterly report is due by the 10th day of the month following the relevant quarter.
13. Within 10 days after completing all tasks included in the schedule required by paragraph 10, above, Respondent shall notify the EPA of the project's completion.
14. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7 above, following the instructions provided with the public notice template enclosed with this Order. 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 the EPA.
15. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondent shall report each analytical result to the 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, whichever is shortest. 40 C.F.R. § 141.31(a).

16. The System shall achieve and maintain compliance with the MCL for HAA5 by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
17. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
18. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such contract, provide a copy of this Order to the contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the contract, with such notification to include the name and contact information of the person who has contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.
19. Respondent shall send all reporting and notifications required by this Order in writing to:

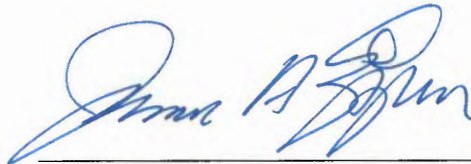
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, Colorado 80202-1129
Email: R8DWU@epa.gov
Fax: (877) 876-9101

GENERAL PROVISIONS

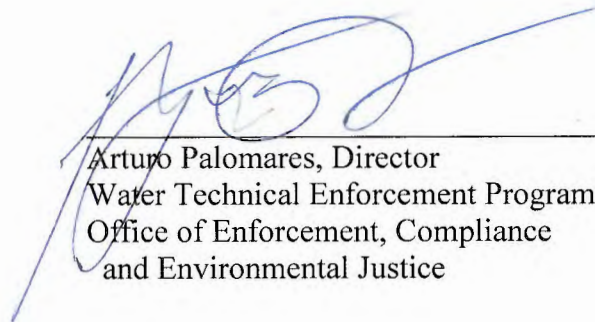
20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
21. Violation of any part of this Order may subject Respondent to a civil administrative penalty of up to \$37,561 per day of violation (as adjusted for inflation). Violation of the Act or the Drinking Water Regulations may subject Respondent to a civil administrative penalty of up to \$37,561 per day per violation (as adjusted for inflation). 42 U.S.C. §§ 300g-3, 300j-6, 300j-8; 40 C.F.R. part 19, 81 Fed. Reg. 43091 (July 1, 2016).

22. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 30, 2016.



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 Stage 2 DBPR TTHM or HAA5 MCL Violation Notice – Template 2-19

Template on Reverse

If your system's locational running annual average for Total Trihalomethanes (TTHM) exceeds the MCL of 0.080 mg/L or the locational running annual average for Haloacetic Acid 5 (HAA5) exceeds the MCL of 0.060 mg/L at one or more sampling locations, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

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

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below is one step commonly taken by water systems with TTHM or HAA5 MCL violations. You can include the following statement, if appropriate, or develop your own text:

- We are working to minimize the formation of [TTHM or HAA5] while ensuring we maintain an adequate level of disinfectant. We have taken additional steps to change disinfectant type/levels, remove natural organic matter, and increased flushing of water lines to determine if our efforts have been effective.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress, describe it. Alternatively, if funding or other issues are delaying progress, let consumers know.

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 the public notice requirements within ten days after you issued the notice [40 CFR 141.31(d)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

[Contaminant, i.e., Total Trihalomethanes (TTHM) or Haloacetic Acid 5 (HAA5)] MCL Violation at [System]

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from [provide date range] show that our system exceeds the standard, or maximum contaminant level (MCL), for [TTHM/HAA5]. The standard for [TTHM/HAA5] is [MCL]. It is determined by averaging all the samples collected at each sampling location for the past 12 months. The level of [TTHM/HAA5] averaged at one of our system's locations for [provide date range] was [level].

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

[TTHM are four volatile organic chemicals] [HAA5 are five haloacetic acid compounds] which form when disinfectants react with natural organic matter in the water.

*[*People who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.*] Or*

*[*People who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.*]*

What is being done?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact [name of contact] at [phone number] or [mailing 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 [system]. State Water System ID#: _____.
Date distributed: _____.