



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

JUN 28 2018

Ref: 8ENF-W-SDW

Honorable W. Kennis Lutz, Mayor
Town of Alpine
250 River Circle
P.O. Box 3070
Alpine, Wyoming 83128

Re: Town of Alpine Public Water System, PWS ID WY5600156, Administrative Order
Docket # SDWA-08-2018-0009

Dear Mayor Lutz:

Thank you for your letter of May 29, 2018, communicating the Town of Alpine's (Town) commitment to perform a timely cleaning and inspection of two storage tanks (Upper and Lower) as required in the above-referenced Administrative Order, dated April 3, 2018 (Order).

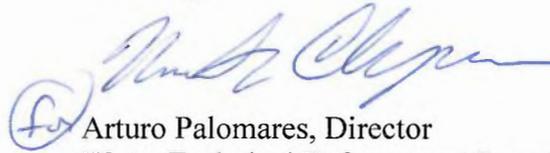
The Town's letter included questions regarding the basis for the violations and deadlines identified in the Order. Because the State of Wyoming has not applied for primacy of the public water supply protection program, the EPA administers the program in Wyoming. Therefore, when the National Primary Drinking Water Regulations (NPDWRs) refer to "the State," in Wyoming this means the EPA.

The regulatory cite you had in your letter was the correct one. It reads, in part: "significant deficiencies include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system **that the State determines** to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers [emphasis added]." 40 C.F.R. § 141.403(a)(4). The next subparagraph (5) reads, in part: "Within 120 days ... of receiving written notification from the State of a significant deficiency ... the ground water system must either: (i) Have completed corrective action ... or (ii) Be in compliance with a State-approved corrective action plan and schedule"

The NPDWRs provide broad latitude for the EPA's discretion to determine what constitutes a significant deficiency. Region 8 regularly evaluates those circumstances most likely to cause the introduction of contamination into water delivered to consumers and applies them consistently across the regulated community. Regarding finished water storage tanks, the American Water Works Association recommends that water utilities clean and inspect their tanks at least every three to five years. Region 8 has determined that it is a significant deficiency if tanks are not cleaned and inspected in at least 10 years to remove contaminants and ensure that the equipment is in safe and operable condition.

Once again, the EPA appreciates your attention to and cooperation in this matter. Please feel free to contact us again with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arturo Palomares". The signature is written in a cursive style and is positioned above the typed name.

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

cc: Robert King, Chairman, Lincoln County Commissioners (rking@lcwy.org)
Robert Ablondi, Alpine Town Engineer (rtablondi@aol.com)
Val Jensen, Chief Water Operator (alpine@silverstar.com)
Melissa Haniewicz, EPA Regional Hearing Clerk