



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2014 SEP 12 PM 1:19

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 12 2014

The Honorable Bob Jones
Mayor, Town of Pinedale
210 West Pine Street
P.O. Box 709
Pinedale, Wyoming 82941

Re: Administrative Order issued to the Town of Pinedale, Wyoming, PWS ID # WY5600041,
Docket No. **SDWA-08-2014-0041**

Dear Mayor Jones:

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 Town of Pinedale (Town), as owner and/or operator of the Pinedale Municipal Water 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 pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, etc.)

If the Town 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.

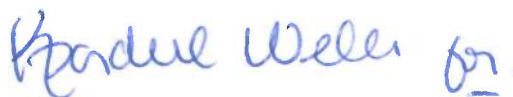
Please be aware that if you have a future violation for failure to maintain the residual disinfectant concentration in the water entering the distribution system, you will be required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of a plan and schedule does not substitute for any other governmental entity for any

modification to the System. The EPA encourages the Town of Pinedale to contact any other such governmental agency or agencies regarding any applicable approval requirements.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the Town's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) 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 that reads "Arturo Palomares for." The signature is written in a cursive style.

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
Alan Svalberg, Supervisor, Pinedale Water and Wastewater



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SEP 12 2014

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sublette County Commissioners
c/o Joel Bousman, Chairman
P.O. Box 250
21 South Tyler
Pinedale, Wyoming 82941

Re: Notice of Safe Drinking Water Act Enforcement Action against the Pinedale Municipal Water System, PWS ID # WY5600041

Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Town of Pinedale, which owns the Town of Pinedale Public Water System, located in Sublette County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for lead and copper, operating with a residual disinfectant concentration in the water entering the distribution system of less than 0.2 mg/l for more than 4 hours, and failing to report certain violations to the 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 Jill Minter at (303) 312-6084.

Sincerely,

A handwritten signature in blue ink that reads "Arturo Palomares".

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

Enclosure:

Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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HEARING CLERK

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

Docket No. **SDWA-08-2014-0041**

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 Town of Pinedale, Wyoming (Respondent) is a municipality that owns and/or operates the Pinedale Municipal Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a surface water source consisting of two intakes within Fremont Lake. The combined water is treated by UV disinfection followed by injection with sodium hypochlorite. The source water currently meets the criteria to avoid filtration, as required by 40 C.F.R. § 141.71.
4. The System has approximately 900 service connections used by year-round residents and/or regularly serves an average of approximately 2030 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 annually for lead and copper and to collect at least 10 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondent most recently monitored the System’s water for lead and copper on May 2, 2012, and the next sampling was to be done between June 1, 2013, and September 30, 2013. Respondent failed to monitor the System’s water for lead and copper during that period and, therefore, violated this requirement.
8. Respondent is required to maintain a residual disinfectant concentration in the water entering the System’s distribution system. This concentration may not be less than 0.2 milligrams per liter (mg/l) for more than 4 hours. 40 C.F.R. § 141.72(a)(3). On October 7, 2013, the residual disinfectant level in the System was less than 0.2 mg/l for more than 4 hours 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 within 48 hours and, therefore, violated this requirement.

10. Respondent is required to notify the EPA as soon as possible, but no later than the end of the next business day, any time the residual disinfectant in the water entering the System's distribution system falls below 0.2 mg/l. Respondent also is required to notify the EPA, by the end of the next business day, whether or not the residual was restored to 0.2 mg/l within 4 hours. 40 C.F.R. § 141.75(a)(5)(iii). Respondent did not notify the EPA until October 21, 2013, that on October 7, 2013, the residual fell below 0.2 mg/l and was not restored within 4 hours, and, therefore, violated this requirement. The EPA offices were shutdown from October 1, 2013, to October 16, 2013, due to a lapse in appropriations; however, the EPA emergency telephone number remained operational and was checked daily.

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. Between June 1, 2014, and September 30, 2014, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to the EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to the EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

12. Respondent shall ensure that the residual disinfectant concentration in the water entering the System's distribution system does not fall below 0.2 mg/l for more than 4 hours, as required by 40 C.F.R. § 141.72(a)(3). If at any time the residual falls below 0.2 mg/l in the water entering the distribution system, Respondent shall notify the EPA as soon as possible, but no later than by the end of the next business day. The notification also shall include a statement whether or not the residual level was restored to at least 0.2 mg/l within 4 hours. 40 C.F.R. § 141.75(a)(5)(iii).

13. While this Order is in effect, if the residual disinfectant concentration in the water entering the System's distribution system falls below 0.2 mg/l for more than 4 hours, Respondent shall, within 30 days after learning of this violation, submit to the EPA a proposed plan and schedule to bring the System into compliance with the requirement to maintain a residual disinfectant concentration of at least 0.2 mg/l in the water entering the distribution system, as required by 40 C.F.R. § 141.72(a)(3). 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, and a final compliance deadline



(which shall be within six months of the project start date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.

14. The schedule required by paragraph 13, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

15. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 13, above, Respondent shall provide the EPA with quarterly progress reports. Each quarterly report is due by the 10th day of the month following the relevant quarter.

16. Within 10 days after completing all tasks included in the schedule required by paragraph 13, above, Respondent shall notify the EPA of the project's completion.

17. The System shall achieve and maintain compliance with the disinfection requirement, as identified in 40 C.F.R. § 141.72(a), 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.

18. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

19. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

20. 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

GENERAL PROVISIONS

21. 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.

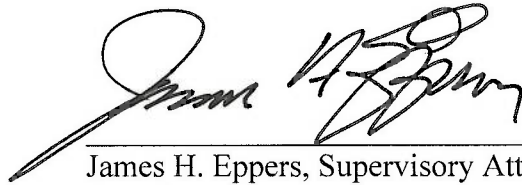


22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

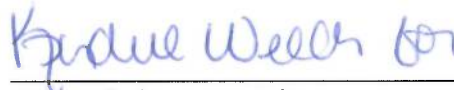
23. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: September 12, 2014.



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



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives
EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's action without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comment made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement action or communications. The assistance information and commercial processes do not give you any new rights or defenses in an enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions where appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.