



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

MAY 16 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Converse County Commissioners
c/o Mike Colling, Chairman
107 North 5th Street, Ste. 114
County Courthouse
Douglas, WY 82633-2448

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Dave Johnston Power Plant
Public Water System
PWS ID #WY5600291

Dear County Commissioners:

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

EPA has issued an Administrative Order to PacifiCorp Energy directing it to comply with the National Primary Drinking Water Regulations at the Dave Johnston Power Plant. The violations alleged in the Order include exceeding the maximum contaminant level for trihalomethane.

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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares".

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

Enclosure:
Administrative Order





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MAY 16 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent
PacifiCorp Energy
1720 Carey Ave
Cheyenne, WY 82001-4429

Re: Administrative Order
Dave Johnston Power Plant
Public Water System
Docket No. **SDWA-08-2011-0042**
PWS ID #WY5600291

To whom it may concern:

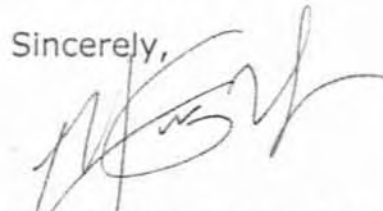
Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that PacifiCorp Energy has violated the National Primary Drinking Water Regulations (the drinking water regulations) at the Dave Johnston Power Plant Public Water System (the system).

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 PacifiCorp Energy 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.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from your attorney(s) 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,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written over the word 'Sincerely,'.

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

Enclosures:
Order

cc:

WY DEQ/DOH (via email)
Megan S. Lockwood, Plant Chemist, Dave Johnston Power Plant
Annie Prettyman, Environmental Coordinator, Dave Johnston
Power Plant
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 MAY 16 AM 10:35

IN THE MATTER OF:)
)
PacifiCorp Energy)
)
Respondent.)

Docket No. SDWA-08-2011-0042

FILED
EPA REGION VIII
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 the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.

2. PacifiCorp Energy (Respondent) is a corporation that owns and/or operates the Dave Johnston Power Plant Water System (the system), which provides piped water to the public in Converse County, Wyoming, for human consumption.

3. The system is supplied by combination of surface water from the Platte River and an infiltration gallery which has been classified as groundwater under the direct influence of surface water. The system treats both sources using conventional filtration followed by granulated activated carbon filtration, green sand filtration and pre-disinfection followed by bag/cartridge alternative filtration. Following filtration, the water is disinfected with chlorine.

4. The system has approximately 3 service connections and/or regularly serves an average of approximately 165 of the same individuals daily for at least 6 months out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2.

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).

VIOLATIONS

6. The Maximum Contaminant Level (MCL) for total trihalomethane (TTHM) is 0.080 milligrams per liter (mg/l), based on a running annual average (RAA) of quarterly averages. 40 C.F.R. §§ 141.64 and 141.133(b).

The running annual average of quarterly averages of TTHM samples from the system for the 2nd quarter 2010, 3rd quarter 2010, 4th quarter 2010 and 1st quarter 2011 exceeded 0.080 mg/l and, therefore, Respondent violated the TTHM MCL. On February 18, 2011 the system installed a granulated activated carbon filter to treat high levels of TTHM in the system's water. The system's 1st quarter 2011 TTHM results, collected on March 1, 2011, were below the MCL; however, the TTHM RAA remains above the MCL.

7. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the 2nd quarter 2010 TTHM MCL violation cited in paragraph 6 within 30 days of learning of the violation, and, therefore, violated this requirement. Respondent issued public notice for the 2nd and 3rd quarter 2010 TTHM MCL violations on November 30, 2010.

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):

8. Within 12 months of treatment installation (by no later than March 30, 2012), Respondent shall comply with the MCL for TTHM, based on the RAA. 40 C.F.R. §§ 141.64 and 141.133(b).

9. If Respondent's quarterly TTHM sample results exceed the MCL while this Order is in effect, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for TTHM as stated in 40 C.F.R. § 141.64 and 141.133(b). The plan and schedule shall be provided to EPA within 90 days of the TTHM MCL violation. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the TTHM MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 24 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

10. Within 30 days of receiving this Order, Respondent shall notify the public of the 4th quarter 2010 and 1st quarter 2011 TTHM MCL violations cited in paragraph 6, above, as required by 40 C.F.R. part 141, subpart Q. 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 of providing public notice, Respondent shall submit a copy of the notice to EPA.

11. Respondent shall direct all reporting required by this Order to:

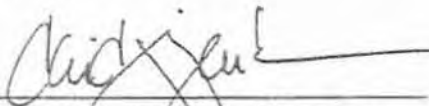
U. S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

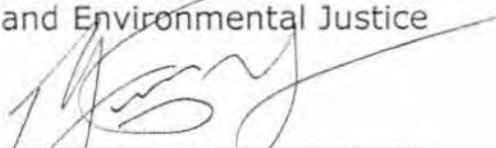
12. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

13. 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: May 16, 2011.



Michael T. Risner, Director
David Janik, 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