



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JAN 10 2013

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Washakie County Commissioners
c/o Ron Harvey, Chair
P.O. Box 260
Worland, WY 82401

Re: Notice of Safe Drinking Water Act
Enforcement Action against Circle J Ranch
PWS ID WY5601165

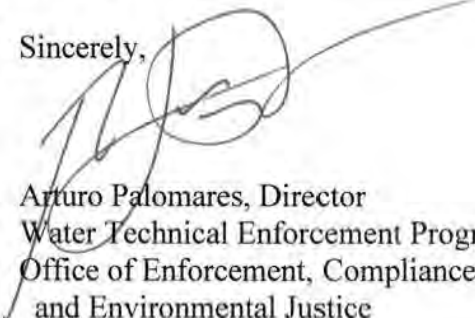
Dear Commissioners:

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 is being issued to the United Methodist Circle J Ranch. This Order requires that the United Methodist Circle J Ranch, as owner and/or operator of the Circle J Ranch public water system (System), take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceedance of the total coliform maximum contaminant level, failure to monitor the source water for fecal indicators, and failure to notify the public and the EPA of the violations.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JAN 10 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Doris B. Anderson, Registered Agent
United Methodist Circle J Ranch
3338 Hwy 16
Ten Sleep, WY 82442

Re: Administrative Order
Circle J Ranch Public Water System
Docket No. **SDWA-08-2013-0008**
PWS ID #WY5601165

Dear Ms. Anderson:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) 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 United Methodist Circle J Ranch (Circle J), as owner and/or operator of the Circle J Ranch water system (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 information you believe the EPA may not have.

If Circle J 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.

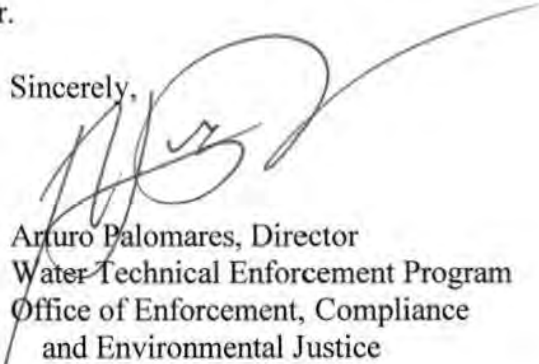
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires Circle J to notify the public of having violated the Drinking Water Regulations. Enclosed please find two public notice templates explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from Circle J's attorney should be directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905 or (303) 312-6905.

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: Elouise Rossler, Circle J. Ranch
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2013 JAN 10 AM 9:25

IN THE MATTER OF:)
)
United Methodist Circle J Ranch,)
)
Respondent.)

Docket No. ~~SDWA-08-2013-0008~~

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 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. United Methodist Circle J Ranch (Respondent) is a Wyoming corporation that owns and/or operates the Circle J Ranch Water System (System), which provides piped water to the public in Washakie County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of two wells. The System's water is not treated. The System is seasonally operated May through August.
4. The System has approximately 21 service connections and/or regularly serves an average of approximately 200 individuals daily for at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of September 2011 and May, June, July, and August 2012, two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.
7. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator (E. coli). 40 C.F.R. § 141.402. Samples from the System's water were positive for total coliform August 31 and October 5, 2011. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement.

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 violations cited in paragraphs 6 and 7, above, and, therefore, violated this requirement. Public notice was completed for the September 2011 total coliform MCL violation.

9. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the MCL violations cited in paragraph 6, above, and, therefore, violated this requirement.

10. 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 violations cited in paragraphs 7 and 8, 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):

11. Within 90 days after receipt of this Order, Respondent shall provide the EPA with a compliance plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be no later than May 1, 2013, one month before the System opens for the season. The proposed plan and schedule must be approved by the EPA before construction or modifications may begin. The 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.

12. The plan and schedule required by paragraph 11, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

13. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 11, above, Respondent shall notify the EPA of the project's completion.

14. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receipt of the EPA's approval of the plan and schedule required by paragraph 11 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance.

If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

15. Within 48 hours after opening for the 2013 season, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis (E. coli). If the sample is negative, Respondent shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.

16. Within 30 days of opening for the 2013 season, Respondent shall notify the public of the violations cited in paragraphs 6 and 7, 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 the EPA.

17. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

18. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

19. 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

20. 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 the EPA to forgo any civil or criminal action.

21. 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: 11/10, 2013.

Margaret A. (Peggy) Livingston, Acting for
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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

CIRCLE J RANCH

DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2011 and 2012

We are required to monitor the drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2011, and 2012 we did not complete all monitoring or testing for source water fecal indicators and therefore cannot be sure of the quality of our drinking water during that time.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Source water monitoring	1 sample from each source within 24 hours of notification of a total coliform bacteria positive result	0 0 0	September 3, 2011 October 5, 2011 August 18, 2012	Required to take within 48 hours of opening for the 2013 season and within 24 hours of any future total coliform positive samples

What happened? What is being done?

Will sample as required in the future. Call Elouise Rossler at (307) 366-2241 if you have questions.

Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to: EPA 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from _____ to _____

Signature _____

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Show Coliform Bacteria in Circle J Ranch Water

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took samples for coliform bacteria during the months of September 2011, and May, June, July, and August 2012 and more than one sample each month showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may do so.

9/2011 PWS completed

What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves. **Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems**

Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do followup testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.** If we had, we would have notified you immediately. Sample results for September and October 2012 did not show the presence of total coliform bacteria.

What is being done?

→ [Describe corrective action] _____

→ We anticipate resolving the problem within [estimated time frame] _____

For more information, please contact Elouise Rossler at (307) 366-2241.

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.

Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to: EPA 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from _____ to _____

Signature _____