



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

SEP 26 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Cox, Director
Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, WY 82009-3340

Re: Administrative Order issued to the Wyoming Department of Transportation Torrington Point of Entry, PWS ID # WY5601430, Docket No. **SDWA-08-2014-0050**

Dear Mr. Cox:

Enclosed is an Administrative Order (Order) issued by the United States 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 the Wyoming Department of Transportation, as owner and/or operator of the Torrington Port of Entry 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 you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of individuals served, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If the Wyoming Department of Transportation 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.

Please be aware that you are 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 your plan and schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the system. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions

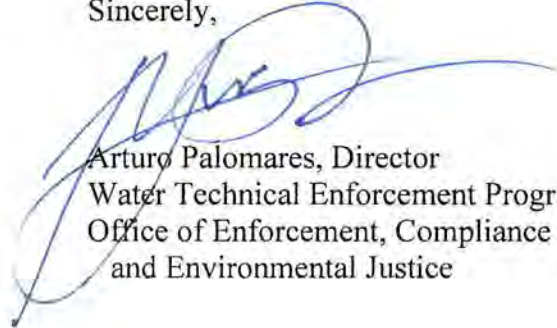


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from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:
Order

cc: Mr. Larry Lijewski, WYDOT Facilities Manager
WY DEQ/DOH (via email)

Ms. Tina Artemis, EPA Regional Hearing Clerk





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Ref: 8ENF-W

SEP 26 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Goshen County Commissioners
James Hudelson, Chair
P.O. Box 160
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act Enforcement Action against the Wyoming Department of Transportation, Torrington Point of Entry Public Water System, PWS ID # WY5601430, Docket No. **SDWA-08-2014-0050**

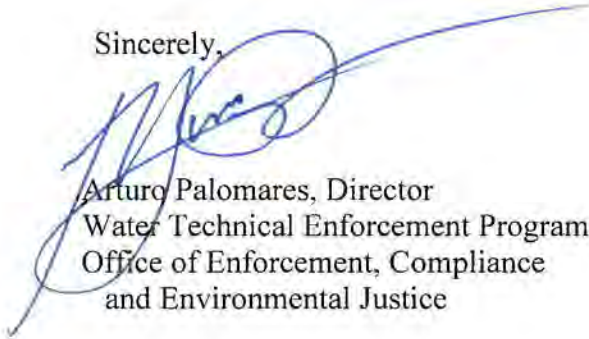
Dear Commissioners:

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 Wyoming Department of Transportation (WYDOT), owner and operator of the WYDOT Torrington Port of Entry Public Water System (System) located in Goshen County, WY. This Order requires that the System take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: exceeding the maximum contaminant level for nitrate and failure to monitor for nitrate.

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



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 SEP 26 AM 11:14

IN THE MATTER OF: _____)
)
)
 Wyoming Department of Transportation)
 Torrington Port of Entry)
)
)
 Respondent. _____)

FILED
Docket No. ~~SDWA-08-2014-0050~~ DIVISION VIII
HEARING OFFICER
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. Wyoming Department of Transportation (Respondent) is a Wyoming State Agency that owns and/or operates the Torrington Port of Entry Public Water System (System), which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well; the water is filtered and disinfected with UV treatment.
4. The System has approximately 1 service connection and/or regularly serves an average of approximately 100 individuals daily 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).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent the System annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Although nitrate in the System’s water exceeded 10 mg/L (10.1 mg/L) in a sample collected on January 2, 2013, and the EPA advised Respondent of revised nitrate monitoring requirements via email on June 19, 2013, the Respondent failed to monitor the System’s water for nitrate during the 2nd, 3rd, and 4th quarters of 2013, and during the 1st quarter of 2014, and, therefore, violated this requirement. 40 C.F.R. § 141.23(g).
8. The maximum contaminant level (MCL) for nitrate is 10 mg/l, with compliance to be based on the average of an initial and a confirmation sample. 40 C.F.R. § 141.23(f)(2) and § 141.62(b). The average of nitrate samples during the 2nd quarter of 2014 exceeded 10 mg/l, and, therefore, Respondent violated the nitrate MCL.

9. 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 2nd quarter 2013 violation cited in paragraph 7, above, and, therefore, violated this requirement. Public notice for the 3rd and 4th quarter 2013 and 1st quarter 2014 violations cited in paragraph 7 is due no later than one year after the Respondent learned of the violations.
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 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):

11. Respondent shall monitor the System's water for nitrate quarterly until notified by the EPA in writing of a different monitoring schedule. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to the EPA within the first 10 days following the month in which sample results are received. 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
12. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a plan and schedule for Respondent to come into compliance with the nitrate MCL in 40 C.F.R. § 141.62(b). 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 nitrate MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 6 months from the date of the EPA's approval of the schedule). The schedule must be approved by the EPA before construction or modifications can begin.
13. The schedule required by paragraph 12, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
14. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 12, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the nitrate MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.
15. Within 10 days after completing all tasks included in the schedule required by paragraph 12, above, Respondent shall notify the EPA of the project's completion.



16. The System shall achieve compliance with the nitrate MCL 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. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations 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 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.
18. 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.
19. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
20. 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.
21. Respondent shall send all reporting and notifications required by this Order in writing to:

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

GENERAL PROVISIONS

22. 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.
23. 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.



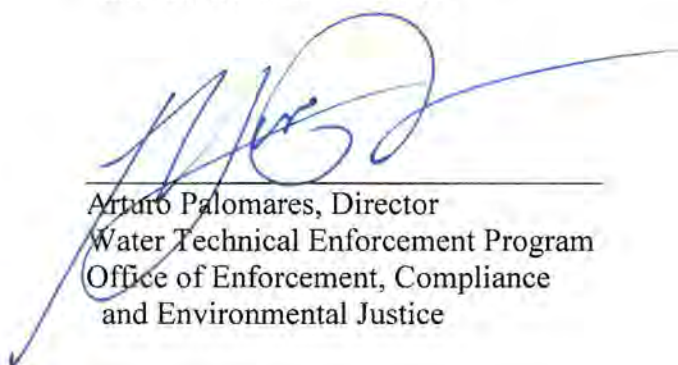
24. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: SEP 26 2014, 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



Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your state may have more stringent requirements. Check with your state to make sure you meet its requirements.

Noncommunity water systems must use one of the following methods [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)].

You must post the notice until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, you should print your notice on your system's letterhead, if available.

The template on the reverse is appropriate for use as an annual notice combining notification for several violations, as well as for notices for individual violations. This template presents violations in a table; however, you may write out an explanation for each violation if you wish.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required PN elements and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Corrective Actions

In your notice describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own text:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Be sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

DRINKING WATER NOTICE

Monitoring Requirements Not Met for WYDOT Torrington Port of Entry

We violated a drinking water requirement. Even though this is not an emergency, as our customers, you have the right to know what happened and what we are doing to correct this situation.

We are required to monitor your 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 2013-2014 we did not complete all monitoring for nitrate and therefore cannot be sure of the quality of our drinking water during that time.

What This Means

There is nothing you need to do at this time. The table below lists the contaminant we did not properly test for, how often we are supposed to sample (frequency) and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were (or will be) taken
Nitrate	One sample per quarter	1	2 nd quarter (April – June), 3 rd quarter (July – September), and 4 th quarter (October – December) of 2013 and 1 st quarter (January – March) of 2014	April, May and July 2014

Steps We Are Taking

[Describe corrective action.]

For more information, please contact Larry Lijewski of WYDOT Torrington Port of Entry at 307-532-2519 or 900 Bryan Stock Trail, Casper, WY 82601.

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 WYDOT Torrington Port of Entry.

State Water System ID#: _WY5601430_ .

Date distributed: .