



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

JUL 25 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Weston County Commissioners
c/o Tom Bruce, Chairman
1 W. Main Street
Newcastle, WY 82701

Re: Notice of Safe Drinking Water Act Enforcement
Action against West End Water District
PWS ID # WY5601032

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to West End Water District, which owns and/or operates the West End Water District water system, located in Weston County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for total coliform bacteria, failing to monitor for nitrate, failing to report timely results for inorganic contaminants, volatile organic contaminants, and pesticides monitoring, failing to provide public notice for certain violations, and failing to report certain violations to 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 Mario Mérida at (303) 312-6297.

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:
Order



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JUL 25 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chris Mills, President
West End Water District
3202 Cactus Drive
Newcastle, WY 82701

Re: Administrative Order
West End Water District
Public Water System
Docket No. **SDWA-08-2011-0053**
PWS ID #WY5601032

Dear Mr. Mills:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that the West End Water District (the District) has violated the National Primary Drinking Water Regulations (drinking water regulations).

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 the District 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.

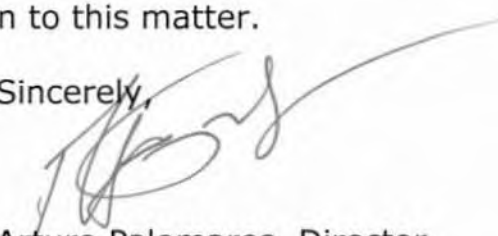
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

The Order requires the District to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the District's attorney 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,



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

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Doug Sankey, Operator, West End Water District Water System
(via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 JUL 25 PM 12:51

IN THE MATTER OF:)
)
West End Water District, WY,)
)
Respondent. _____)

Docket No. SDWA-08-2011-0053

FILED
EPA REGION VIII
RECORDING 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 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.
2. The West End Water District (Respondent) is a public body created by or pursuant to Wyoming State law that owns and/or operates the West End Water District Water System (the system), which provides piped water to the public in Weston County, Wyoming, for human consumption.
3. The system is supplied by a ground water source consisting of one well. The water is not treated.
4. The system has approximately 105 service connections used by year-round residents and/or regularly serves an average of approximately 225 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 § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. If the system has one or more sampling results that are positive for total coliform, Respondent is required to collect at least 5 routine samples during the

next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system's water tested positive for total coliform on December 4, 2006, Respondent failed to take at least 5 routine samples of the system's water in January 2007 and, therefore, violated this requirement.

8. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement.

9. Respondent is required to monitor the system's water for certain inorganic contaminants at least once every three year compliance period including 2008 through 2010 and to report analytical results to EPA within the first 10 days following the month in which sample results were received. 40 C.F.R. §§ 141.23(a) and (c) and 141.31(a). Respondent monitored the system's water for inorganic contaminants on May 12, 2009 for the 2008-2010 period, but failed to reports its monitoring results to EPA until March 24, 2011, and, therefore, violated this requirement.

10. Respondent is required to monitor the system's water for certain volatile organic contaminants at least once every three year compliance period including 2008 through 2010 and to report analytical results to EPA within the first 10 days following the month in which sample results were received. 40 C.F.R. §§ 141.24(f)(6) and 141.31(a). Respondent monitored the system's water for volatile organic contaminants on September 8, 2009 for the 2008-2010 period, but failed to report its monitoring results to EPA until July 6, 2011, and, therefore, violated this requirement.

11. Respondent is required to monitor the system's water for synthetic organic (pesticide / herbicide) contaminants at least once every three year compliance period including 2008 through 2010 and to report analytical results to EPA within the first 10 days following the month in which sample results were received. 40 C.F.R. §§ 141.24(h) and 141.31(a). Respondent monitored the system's water for six of the required pesticide/herbicide organic contaminants on August 10, 2009 for the 2008-2010 period; this data was not submitted until March 24, 2011. Respondent monitored for the complete set of pesticide/herbicide organic contaminants on September 8, 2009 for the 2008-2010 period, but failed to submit the sample data to EPA until July 6, 2011. Therefore, Respondent violated this requirement.

12. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R.



§§ 141.201 *et seq.* Respondent failed to notify the public of the violation cited in paragraph 7, above, and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

14. Respondent is required to report any failure to comply with any drinking water regulation to 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 8 through 12, above, to 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):

15. If any routine sample for the system is positive for total coliform, Respondent shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

16. Respondent shall monitor the system's water for nitrate, per the regulations. 40 C.F.R. § 141.23.

17. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by EPA, whichever is earlier. 40 C.F.R. § 141.31(a).

18. Respondent shall report any violation of the drinking water regulations to 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. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, 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 after providing public notice, Respondent shall submit a copy of the notice to EPA.

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


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

GENERAL PROVISIONS

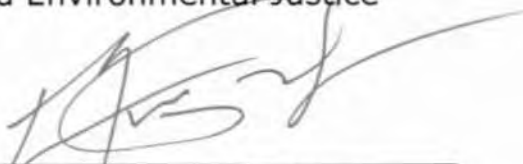
21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

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.

Issued: July 25, 2011.



David Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

