



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

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

SEP 27 2007

Ref: 8ENF-L

CERTIFIED MAIL:

RETURN RECEIPT REQUESTED

Donna Guelde, Acting Chair
Big Valley & Crossed Arrows
Improvement District
P.O. Box 276
Meeteetse, WY 82433

Re: Complaint and Notice of
Opportunity for Hearing,
Docket No. **SDWA-08-2007-0093**

Dear Ms. Guelde:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" ("Complaint") filed against the Big Valley & Crossed Arrows Improvement District ("System") under section 1414 of the Safe Drinking Water Act ("SDWA"), 42 U.S.C § 300g-3. The U.S. Environmental Protection Agency ("EPA") alleges in the Complaint that the System failed to comply with Administrative Order, Docket No. SDWA-08-2004-0031, issued on June 16, 2004, pursuant to section 1414(g)(1) of the SDWA, and the National Primary Drinking Water Regulations ("NPDWRs"). The violations are specifically set forth in the Complaint.

By law, the System has the right to request a hearing regarding the matters set forth in the Complaint. Please pay particular attention to those parts of the Complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If the System does not respond to this Complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In the System's Answer it may request a hearing. The System has the right to be represented by an attorney at any stage of these proceedings.

Whether or not the System requests a hearing, its representatives may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty.

EPA encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a Final Order by the Regional Judicial

Officer, EPA-Region 8. The issuance of a Consent Agreement shall constitute a waiver of the System's right to request a hearing on any matter to which the System has stipulated in that agreement.

A request for an informal conference does not extend the 30-day period during which the System must submit a written Answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneously with, the adjudicatory hearing. Please note that if the System does not file an Answer, it may be subject to a Default Order requiring it to pay the full penalty proposed in the Complaint, even if it has requested an informal conference.

For any questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Kimberly Pardue-Welch, who can be reached at 800-227-8917 extension 6983, or Jessie Goldfarb, Senior Enforcement Attorney, who can be reached at 800-227-8917 extension 6926.

We urge your prompt attention to this matter.

Sincerely,

Michael T. Bisbee
for

Eddie A. Sierra
Deputy Assistant Regional
Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Complaint and Notice of Opportunity for Hearing
40 C.F.R. part 22 (Consolidated Rules of Practice)

cc: Kimberly Pardue-Welch, 8ENF-W
Jessie Goldfarb, 8ENF-L



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 SEP 27 11:19:33

IN THE MATTER OF:)
)
BIG VALLEY & CROSSED ARROWS)
IMPROVEMENT DISTRICT,)
Meeteetse, Wyoming,)
)
Respondent.)
)
Proceedings under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

AN. MENDO. TEL
HEARING ROOM

Docket No. **SDWA-08-2007-0093**

**COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

COMPLAINT

This civil administrative Complaint and Notice of Opportunity for Hearing ("Complaint") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by section 1414(g)(3) of the Safe Drinking Water Act, as amended (the "SDWA"), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g)(1) of the SDWA.

The Complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA-Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 ("Consolidated Rules of Practice"). A copy of the Consolidated Rules of Practice is enclosed.

GENERAL ALLEGATIONS

The following general allegations apply to each Count of this Complaint:

1. Respondent is an association and therefore a "person" within the meaning of section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Big Valley & Crossed Arrows Public Water System (the "System"), located in Meeteetse, Wyoming, for the provision to the public of piped water for human consumption. The System is supplied solely by a ground water source consisting of one well.
3. At all times relevant to this action, the System regularly served at least 25 year-round residents and was therefore a "public water system" within the meaning of section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.
5. Per 40 C.F.R. § 141.2, in the definition of "State", during any period when a State does not have primary responsibility pursuant to section 1413 of the SDWA, the term "State" means the Regional

Administrator, U.S. Environmental Protection Agency. At all times relevant to this action, the State of Wyoming did not have primary responsibility pursuant to section 1413 of the SDWA.

6. On June 16, 2004, EPA issued to Respondent an Administrative Order, Docket No. SDWA-08-2004-0031 ("2004 Order"), pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing violations of the National Primary Drinking Water Regulations ("NPDWRs") (40 C.F.R. part 141), including requirements to: (a) monitor for total coliform bacteria; (b) comply with the monthly maximum contaminant level ("MCL") for total coliform bacteria; (c) collect repeat samples after a total coliform positive sample; (d) collect five additional routine samples the month following a total coliform positive sample; (e) provide public notice of the violations; (f) report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; (g) report total coliform monitoring violations to EPA within 10 days after discovering the violation; and (h) report violations of NPDWRs to EPA within 48 hours after discovering the violation. The 2004 Order required Respondent to comply with the requirements it had violated.

7. On February 23, 2005, EPA issued to Respondent a Violation of Administrative Order letter notifying it that it was in violation of the 2004 Order due to failure to comply with the requirements set forth in Paragraph 6(a) and (g), above.

8. On August 22, 2006, EPA issued to Respondent Complaint and Notice of Opportunity for Hearing, Docket No. SDWA-08-2006-0054 ("Complaint"), citing violations of the 2004 Order and the NPDWRs,

including requirements to: (a) comply with coliform monitoring requirements; and (b) report total coliform monitoring violations to EPA within 10 days after discovering the violation.

9. On August 7, 2006, Respondent signed Consent Agreement, Docket No. SDWA-08-2006-0054 ("First Consent Agreement"), to resolve EPA's claims identified in the Complaint referenced in Paragraph 8, above. On August 23, 2006, the EPA-Region 8 Regional Judicial Officer issued a Final Order approving the First Consent Agreement. Per the terms of the First Consent Agreement, Respondent paid a penalty of \$1,000 to resolve the violations cited in that Consent Agreement.

10. On August 17, 2006, EPA issued to Respondent a Bacteriological Monitoring Violation letter notifying Respondent that EPA had not received from it any bacteriological monitoring results for July 2006.

11. On October 23, 2006, EPA issued to Respondent a Bacteriological Monitoring Violation letter notifying Respondent that EPA had not received from it any bacteriological monitoring results for September 2006, and stating that that letter was at least Respondent's second violation notice within the preceding 12 months.

12. Respondent failed to submit to EPA bacteriological monitoring results for December 2006.

13. On February 22, 2007, EPA issued to Respondent a Bacteriological Monitoring Violation letter notifying Respondent that EPA had not received from it any bacteriological monitoring results for January 2007, and stating that that letter was at least Respondent's second violation notice within the preceding 12 months.

14. On March 17, 2007, EPA issued to Respondent a Bacteriological Monitoring Violation letter notifying Respondent that EPA had not received from it any bacteriological monitoring results for February 2007, and stating that that letter was at least Respondent's second violation notice within the preceding 12 months.

COUNTS OF VIOLATION

Count I

Failure to Monitor for Total Coliform Bacteria

1. 40 C.F.R. § 141.21 requires public water systems to monitor their water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.



