



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

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

JUL 6 2009

Goshen County Commissioners
c/o Jim Hudelson, Chair
POB 160
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Fort Laramie, PWS ID#5600185

Dear Commissioners:

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

An Administrative Order is being issued to the Town of Fort Laramie, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding the maximum contaminant level for total coliform bacteria; failure to monitor for total coliform bacteria, residual disinfectant levels, and lead and copper; and failure to notify the public and 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,

A handwritten signature in cursive script that reads "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET – SUITE 300
DENVER, COLORADO 80202-2466

Phone 800-227-8917

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

JUL - 6 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Richard Monger, Mayor
Town of Fort Laramie
POB 177
Fort Laramie, WY 82212

Re: Administrative Order
Docket No. **SDWA-08-2009-0054**
PWS ID #5600185

Dear Mayor Monger:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Among other things, the Order describes how the Town of Fort Laramie (the Town) has violated the National Primary 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 Town complies with the Order for twelve months, 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.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small governments. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.com or by calling (877) 865-4326.

To submit information or request an informal conference with EPA, 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. For legal questions, the attorney assigned to this matter is



Thomas Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Information sheet
Public notice template

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2009 JUL -6 PM 1:06

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Town of Fort Laramie, Wyoming)
)
Respondent.)
_____)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0054

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. The Town of Fort Laramie is a municipality that owns and/or operates the Town of Fort Laramie Water System (the system) in Goshen County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two chlorinated wells and serves approximately 255 people through 149 service connections year round. The system is a community water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to measure the maximum residual disinfectant level (MRDL) in the distribution system monthly at the same point and at the same time as total coliforms are sampled and submit the report to EPA quarterly. 40 C.F.R. §§ 141.132 (c)(1) and 141.21. MRDL compliance is based on a running annual average (RAA) which is computed quarterly. 40 C.F.R. § 141.133(c)(1). Respondent failed to monitor the water for the MRDL for all months in 4th (October-December) quarter 2008 and, therefore, violated this requirement.

4. Respondent is required to measure the MRDL in the distribution system monthly at the same point and at the same time as total coliforms are sampled and submit the report to EPA quarterly. 40 C.F.R. §§ 141.132 (c)(1) and 141.21. Respondent is required to submit MRDL monitoring results to EPA within 10 days after the end of each quarter in which samples are collected. 40 C.F.R. § 141.134. Respondent failed to submit 1st (January-March) quarter 2008 MRDL monitoring results to EPA within 10 days after the end of the quarter and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria in January 2009 and November 2008.

6. Respondent is required to monitor the system's water at least once per month to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in August 2008 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

7. Respondent is required to monitor the system's tap water every three years for lead and copper after initial and annual monitoring has been completed. 40 C.F.R. § 141.86(d)(4)(iii). Respondent monitored for lead and copper in September 2005 but failed to monitor in 2008 and, therefore, violated this requirement.

8. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner and required time period specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the total coliform MCL violation listed in paragraph 6 above and, therefore, violated this requirement. Public notice has been completed for the 4th (November-December) quarter 2008 MRDL and the 2008 lead and copper violations. Public notice for the failure to monitor total coliform monitoring violations is not yet overdue.

9. Respondent is required to report any failure to comply with any of the drinking water regulations, except where a different reporting period is specified in paragraphs 10 and 11 below, to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 3, 4, 7 and 8 above to EPA and, therefore, violated this requirement.

10. Respondent is required to report any total coliform MCL violations to EPA by the end of the next business day after it learns of the violation. 40 C.F.R. §§ 141.21(g)(1), 141.63. Respondent failed to report to EPA the MCL violation listed in paragraph 6 above and, therefore, violated this requirement.

11. Respondent is required to report any total coliform monitoring violation to EPA within ten days after the system discovers the violation. 40 C.F.R. §§ 141.21(g)(2), 141.21. Respondent failed to report to EPA the total coliform monitoring violations listed in paragraph 5 above and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

12. Respondent shall comply with the monthly monitoring requirements for MRDLs. 40 C.F.R. § 141.132(c)(1). Respondent shall submit sample results quarterly to EPA within 10 days after the end of each quarter in which samples are collected. 40 C.F.R. § 141.134(a).

13. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63.

14. Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

15. During the period of June 1 through September 30, 2009, Respondent shall monitor the system's water for lead and copper by taking a tap sample at 5 sites. Thereafter, Respondent shall monitor as required by the drinking water regulations. 40 C.F.R. § 141.86. Respondent shall report all analytical results to EPA within the first 10 days following the end of the monitoring period. 40 C.F.R. § 141.90(a).

16. Within 30 days, Respondent shall provide notice to the public of the violations listed in paragraphs 4, 5 and 6 above by (1) mail or other direct delivery to each customer and to other service connections to which water is delivered; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall provide public notice for any future violations. 40 C.F.R. § 141.201 *et seq.* Specific notice requirements can be found in the attached sample. The annual consumer confidence report (CCR) may be used as this notice for monitoring violations. However, while MCL violations must be noted in the CCR, the CCR cannot be a substitute for the public notice. Respondent shall send a copy of the notice to EPA within 10 days after providing the notice.

17. Respondent shall report total coliform MCL violations to EPA by the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

18. Respondent shall report any failure to comply with total coliform monitoring requirements to EPA within ten days after the system discovers the violation. 40 C.F.R. §§ 141.21(g)(2), 141.21.

19. Except where a different reporting period is specified in paragraphs 16 and 17 above, Respondent shall report any other violation of the drinking water regulations to EPA within 48 hours after the system discovers the violation. 40 C.F.R. § 141.31(b).

20. All reporting required by this Order shall be directed to:

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

GENERAL PROVISIONS

21. 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.

22. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 6th day of July, 2009.

David Rochlin

David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests August 2008 Showed Coliform Bacteria in FORT LARAMIE Water and Not All Monitoring Requirements Met in 2008

1) Our water system violated a drinking water standard in August 2008. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 5 samples to test for the presence of coliform bacteria during August 2008. All of the samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

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. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. 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 immediately. 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 system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up 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.**

What is being done? Further testing in September 2008 showed that this problem has been resolved.

2) 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 2008 we did not complete all monitoring or testing for total coliform and, therefore, cannot be sure of the quality of our drinking water during that time. We also submitted maximum residual disinfectant level results late to EPA for 1st (January-March) quarter 2008.

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 |
|-------------------------|-----------------------------|-------------------------|---|------------------------------------|
| Total coliform bacteria | Monthly | 0 | January 2009 & November 2008 | All other months |

We will sample as required in the future. For more information, please contact Rebel Ralls at 307-837-2711.

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, businesses) and schools). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Date/s notice completed _____ Signature _____ Send a copy to EPA when done.