



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

MAY 10 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o Wally Johnson, Chairman
Sweetwater County Courthouse
80 W. Flaming Gorge Way
Green River, WY 82935

Re: Notice of Safe Drinking Water Act Enforcement
Action against the FMC Granger
Public Water System
PWS ID # WY5600647

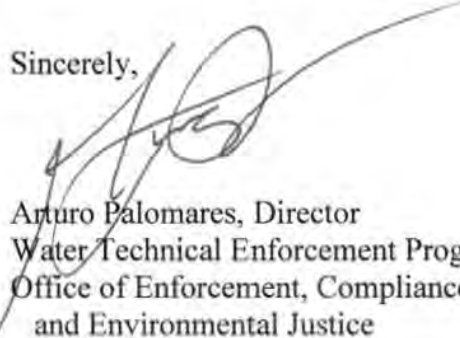
Dear Commissioners:

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 FMC Wyoming Corporation, which owns and/or operates the FMC Granger public water system, located in Sweetwater County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for disinfection byproducts; failing to monitor for nitrate; failing to maintain the required chlorine residual level in water enter the distribution system; 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,



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

Enclosure:
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System, Registered Agent
FMC Wyoming Corporation
1720 Carey Ave., Ste. 200
Cheyenne, WY 82001

Re: Administrative Order
FMC Granger Public Water System
Docket No. **SDWA-08-2012-0025**
PWS ID #WY5600647

Dear Madame/Sir:

Enclosed is an Administrative Order (Order) issued by the 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 FMC Wyoming Corporation (the Company), as owner and/or operator of the FMC Granger public water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the 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.

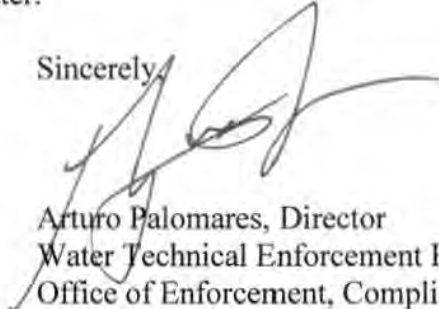
If the Company complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or to request an informal conference with the 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 Company's attorney should be

directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913, or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written over the word 'Sincerely,'.

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

Enclosures:
Order

cc:
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Joe Reddick, Operator, FMC Granger public water system

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2012 MAY 08 9:20

FILED
EPA REGION VIII
READING CLERK

IN THE MATTER OF:

FMC Wyoming Corporation,

Respondent.

Docket No. SDWA-08-2012-0025

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. FMC Wyoming Corporation (Respondent) is a Delaware corporation that owns and/or operates the FMC Granger Water System (the System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a surface source, and the water is treated with filtration and chlorination.
4. The System has approximately 12 service connections and/or regularly serves an average of approximately 80 of the same individuals daily for at least 6 months 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 "non-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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. 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 2011, and, therefore, violated this requirement.
8. Respondent is required to collect a paired set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples each year during the month of warmest water temperature. 40 C.F.R. § 141.132(b)(1)(i). Respondent is required to submit monitoring results for TTHM and HAA5 to the

EPA within 10 days after the end of each year in which samples are collected. 40 C.F.R. § 141.134. Respondent failed to monitor the System's water for TTHM and HAA5 during 2011 and, therefore, violated this requirement.

9. Respondent is required to maintain a residual disinfectant level in the water entering the System's distribution system. This level may not be less than 0.2 milligrams per liter (mg/l) for any period of more than four hours. 40 C.F.R. § 141.72(b)(2). On August 15 and 16, 2008, the disinfectant level in the System was less than 0.2 mg/l for four hours or longer. Therefore, Respondent 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 8 and 9, 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. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 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). Note: Respondent collected a water sample for nitrate analysis on March 12, 2012 and has forwarded these results to EPA. Respondent must next monitor the system's water for nitrate between January 1 and December 31, 2013.

12. Respondent shall monitor for TTHM and HAA5 no later than September 30, 2012, and yearly thereafter as required by 40 C.F.R. § 141.132(b)(1)(i). Within 10 days after the end of the monitoring period in which samples are collected, Respondent shall submit monitoring results for TTHM and HAA5 to the EPA, as required by 40 C.F.R. § 141.134.

13. Respondent shall ensure that the residual disinfectant concentration in water entering the System's distribution system be at least 0.2 mg/l for every 4-hour period, as required by 40 C.F.R. § 141.72.

14. 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.



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

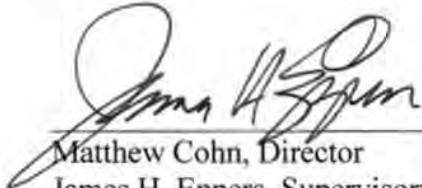
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

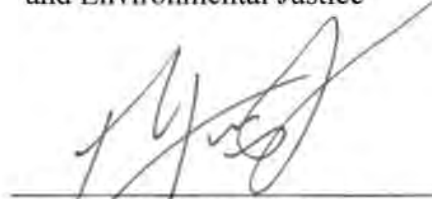
16. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

17. 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: May 10, 2012.



Matthew Cohn, Director
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

