



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**FEB 24 2016**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent  
PacifiCorp Energy  
388 State Street #420  
Salem, Oregon 97301

Re: Administrative Order regarding Dave Johnston Power Plant, PWS ID# 5600291  
Docket # **SDWA-08-2016-0003**

Dear CT Corporation System:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 PacifiCorp Energy (PCE), as owner and/or operator of the Dave Johnston Power Plant Public Water System (System) in Converse County, Wyoming, has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations). The Order issued to PCE on September 30, 2015, Docket # SDWA-08-2015-0053, remains in full force and effect.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information PCE believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from PCE, the EPA will assume this information is correct.

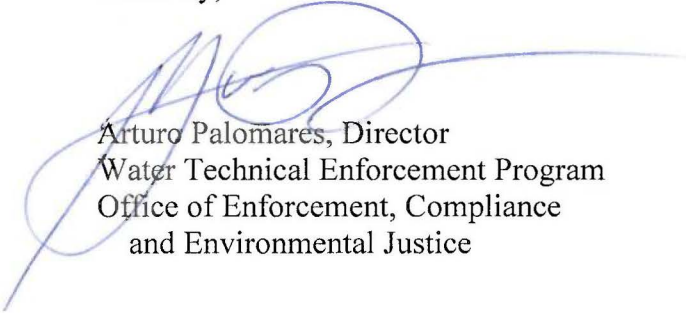
If PCE complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov), or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address

(with the mailcode 8ENF-L), via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov), 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

Enclosure

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





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**FEB 24 2016**

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Converse County Commissioners  
c/o Rick Grant, Chair  
107 North 5th Street  
Douglas, Wyoming 82633-2448

Re: Notice of Safe Drinking Water Act Enforcement Action against PacifiCorp Energy  
(Dave Johnston Power Plant), PWS ID# 5600291

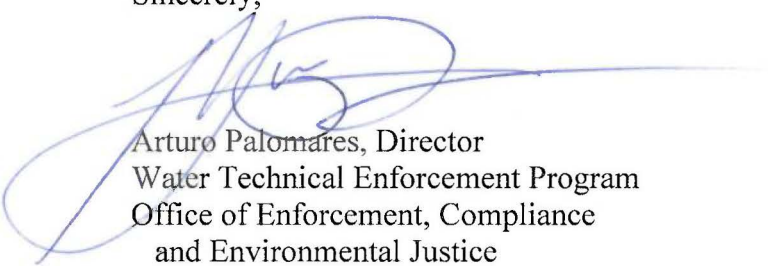
Dear Commissioners:

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

An Administrative Order (Order) is being issued to PacifiCorp Energy, as owner/operator of the Dave Johnston Power Plant Public Water System (System), located in Converse County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are for failure to treat at least 95% of the water delivered to the public each month to meet maximum treatment requirements and failure to monitor turbidity daily. The System has replaced malfunctioning equipment to address the treatment requirements failure.

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,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2016 FEB 24 PM 3: 24

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )  
 )  
PacifiCorp Energy, )  
 )  
Respondent. )

Docket No. SDWA-08-2016-0003

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. PacifiCorp Energy (Respondent) is an Oregon corporation that owns and/or operates the Dave Johnston Power Plant Water System (System), which provides piped water to the public in Converse County, Wyoming, for human consumption.

3. The System is supplied by surface water from the Platte River and supplemented by an infiltration gallery a groundwater under the direct influence of surface water source. The water from the Platte River is treated by a conventional filtration. The outflow from conventional filtration is further treated by granular activated carbon and bag filters after it is combined with the water from the infiltration gallery. The System uses liquid chlorine and ultraviolet (UV) for disinfection.

4. The System has approximately 3 service connections and/or regularly serves an average of approximately 165 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, noncommunity" 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).

VIOLATIONS

6. Respondent is required to treat at least 95% of the water delivered to the public each month by UV reactors operating within validated conditions for the required UV dose to meet maximum treatment requirements. 40 C.F.R. §141.720(d)(3)(ii). Respondent failed to maintain this level of treatment during October and November of 2015, and therefore violated this requirement.

7. Respondent is required to monitor the System's filtered water for turbidity each day that the System serves water to the public. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the System's water for turbidity during October 3-4, 10-11, and 17-18, 2015, 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):

8. Respondent shall comply with the UV maximum treatment requirements at 40 C.F.R. § 141.720(d)(3)(ii). The System has informed the EPA that a malfunctioning UV unit and a compromised circuit board have been replaced and the repaired UV unit is available as a back-up.
9. Respondent shall monitor the System's filtered water daily for turbidity as required by 40 C.F.R. § 141.74(c)(1). Respondent shall report each month's turbidity measurements to the EPA by the 10<sup>th</sup> day of the following month, as required by 40 C.F.R. §141.75(b)(1) and 141.570.
10. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
11. 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.
12. Respondent shall direct all reporting required by this Order to:

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

**GENERAL PROVISIONS**

13. 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.
14. 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.
15. 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).

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

Issued: Feb. 24, 2016.



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