



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUL 13 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lincoln County Commissioners  
c/o Jerry Harmon, Chairman  
925 Sage Avenue  
County Courthouse  
Kemmerer, WY 83101-3114

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Turnerville Water and Sewer District  
PWS ID# WY5601115

Dear County Commissioners:

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

An Administrative Order is being issued to Turnerville Water and Sewer District located in Bedford, Wyoming. This Order requires that Turnerville Water and Sewer District take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for lead and copper; failing to monitor for total coliform bacteria; exceeding the maximum contaminant level for total coliform; and failing to report violations to EPA and the public.

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 Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

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

Enclosure  
Order



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2009 JUL 13 AM 8:27

EPA REGION VII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Turnerville Water and Sewer District  
Chad Turner, Chairman  
P.O. Box 4341  
Bedford, WY 83112

Re: Administrative Order  
Docket No. **SDWA-08-2009-0059**  
PWS ID #: WY5601115

Dear Mr. Turner:

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 Turnerville Water and Sewer District 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 Turnerville Water and Sewer District 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 businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. For legal questions, the attorney

assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

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 samples/templates

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





5. Respondent is required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper on August 15, 2005 and the next sampling was due in 2008. Respondent failed to sample for lead and copper between June 1, 2008 and September 30, 2008 and, therefore, violated this requirement.

6. Respondent is required to report any total coliform MCL violation to EPA by the end of the next business day after it learns of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to EPA the MCL violation listed in paragraph 4 above and, therefore, violated this requirement.

7. The law requires Respondent 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 violations listed in paragraph 3 above and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within 10 days after learning of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the total coliform monitoring violation listed in paragraph 3 above and, therefore, violated this requirement.

9. Respondent is required to report any other failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 5 and 7 above to EPA 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:

10. Respondent shall monitor the system's water monthly for total coliform bacteria contamination. 40 C.F.R. §§ 141.21, 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by the drinking regulations. 40 C.F.R. § 141.31(a).

11. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.21.

12. Between June 1 and September 30, 2009, Respondent shall monitor for lead and copper. Respondent shall monitor for lead and copper triennially per the regulations thereafter, collecting 5 samples during each sampling event. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the



first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

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

14. Within 30 days of receipt of this Order, Respondent must provide public notice of the violation specified in Paragraph 3 of this Order. 40 C.F.R. §§ 141.201 *et seq.* This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by mail or direct delivery, 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 or on the Internet; or delivery to community organizations. Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. §§ 141.201 *et seq.*

15. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

16. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours (except where a different reporting period is specified in this Order or in the drinking water regulations). 40 C.F.R. § 141.31(b).

17. 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**

18. 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.

19. 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 13<sup>th</sup> day of July, 2009.

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

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



### Template on Reverse

Failure to comply with a testing procedure requires Tier 3 notification. You must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple testing violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least seven days (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)).

This example is for a holding time violation. It will need to be modified for other types of testing violations. However, you must include in your notice the standard language for monitoring and testing procedure violations in italics (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below is a step commonly taken by water systems with a holding time violation. You can use the following language, if appropriate, or develop your own that is specific to your testing violation:

- On (date) we collected (will collect) a new sample of our finished water in order to have it analyzed for (contaminant). We sent (will send) the sample to the certified laboratory via courier to ensure that the sample arrived within the allowed holding time.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for [System]

Our water system violated drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*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 [compliance period] we [did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
VOCs <sup>1</sup> (example)	1 sample every three years	0	2000-2002	February 2003

#### What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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

This notice is being sent to you by [system]. State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.

<sup>1</sup> VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the VOCs. VOCs are commonly used in industrial and manufacturing processes. VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethane, trans-dichloroethane, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachloroethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.