



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

NOV 21 2011

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Lincoln County Commissioners
c/o Kent Connelly, Chairman
925 Sage Avenue
Suite 302
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Greater Smoot Water and Sewer District
PWS ID #WY5601397

Dear 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.

EPA has issued an Administrative Order (Order) to the Greater Smoot Water and Sewer District, located in Smoot, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations include exceeding the total coliform maximum contaminant level (MCL); failing to take a source water sample within 24 hours; failing to submit its Consumer Confidence Report (CCR) on time; and failing to report these 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares".

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

Enclosure
Order



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Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Greater Smoot Water and Sewer District
c/o John Hunsaker, Chairman
P.O. Box 76
Smoot, WY 83126

Re: Administrative Order
Docket No. **SDWA-08-2012-0005**
Greater Smoot Water and Sewer District
Public Water System
PWS ID# WY5601397

Dear Mr. Hunsaker:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Greater Smoot Water and Sewer District (the District) 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 EPA with any information you believe EPA may not have.

If the District complies with the Order, 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 request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the District's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arturo Palomares".

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

Enclosure
Order

cc: Val Clement, Operator
Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ/DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 NOV 21 AM 9:42

IN THE MATTER OF:)
)
Greater Smoot Water and)
Sewer District, WY,)
)
Respondent.)

Docket No. SDWA-08-2012-0005

FILED
EPA REGION VIII
HEARING CLERK

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. Greater Smoot Water and Sewer District (Respondent) is a public body created by or pursuant to Wyoming law and consequently a "municipality" as defined in § 1401 of the Act, 42 U.S.C. § 300f. Respondent owns and/or operates the Greater Smoot Water and Sewer District Water System (the System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by three ground water sources (two springs and one well) that provide water that is not treated.
4. The System has approximately 178 service connections used by year-round residents and/or regularly serves at least 260 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.
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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of May 2011, two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.

8. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified on or near December 14, 2010 that a routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated 40 C.F.R. § 141.402.
9. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and EPA by July 1st of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to submit a copy of its 2007 and 2010 CCR to EPA by July 1, 2008, and 2011 respectively, and, therefore, violated this requirement. Respondent submitted its 2007 CCR to EPA on July 31, 2008, and its 2010 CCR to EPA on September 30, 2011.
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. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA with a compliance plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed System modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.
12. The plan and schedule required by paragraph 11, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.



13. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 11, above, Respondent shall notify EPA of the project's completion.
14. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receiving EPA's approval of the plan and schedule required by paragraph 11 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.
15. Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.
16. Respondent shall prepare an annual CCR for the System and distribute the report to the System's customers and EPA by July 1 of each year, and provide to EPA a certification that the report has been distributed by October 1 of each year. 40 C.F.R. §§ 141.151-141.155.
17. 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.
18. 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

19. 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.

20. 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: November 21., 2011.

Margaret A. (Peggy) Livingston
Supervisory Attorney (Acting)
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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

