



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

SEP 17 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

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

Re: Notice of Safe Drinking Water Act
Enforcement Action against Turnerville Water
and Sewer District Public Water System
PWS ID #5601115

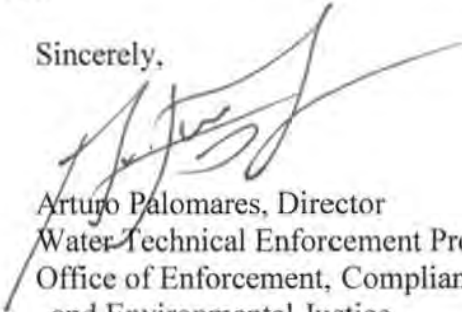
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the U.S. 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 (Turnerville). This Order requires that Turnerville take measures to return the Turnerville public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to consult with EPA regarding corrective actions of significant deficiencies and to complete the corrective actions, failure to monitor total coliform, exceedance of the maximum contaminant level for total coliform, and failure to notify the 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,


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

Enclosure



Printed on Recycled Paper



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

SEP 17 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chad Turner, Chairman
Turnerville Water and Sewer District
5191 Turnerville Road
Bedford, WY 83112

Re: Administrative Order
Turnerville Water and Sewer District
Public Water System
Docket No. **SDWA-08-2012-0052**
PWS ID #5601115

Dear Mr. Turner:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Turnerville Water and Sewer District (Turnerville), as owner and/or operator of the Turnerville water system (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.

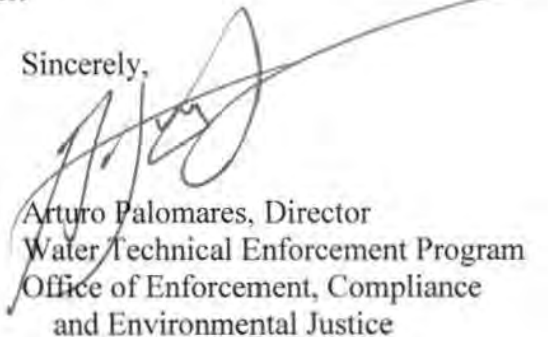
If Turnerville complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

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) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from Turnerville's attorney should be directed to Peggy Livingston, Enforcement Attorney, who may 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,



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

Enclosures:

Order
SBREFA Information Sheet

cc: Robert Aullman, Turnerville W&S District
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 SEP 17 AM 10:55

IN THE MATTER OF:)
)
Turnerville Water and Sewer District,)
)
Respondent.)

Docket No. SDWA-08-2012-0052

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. Turnerville Water and Sewer District (Respondent) is a municipality created under Wyoming law that owns and/or operates the Turnerville Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one spring. The System's water is occasionally treated with chlorine disinfection.
4. The System has approximately 40 service connections used by year-round residents and/or regularly serves an average of approximately 90 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in section 1401 of the Act, 42 U.S.C. § 300f, and 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. On October 19, 2011, the EPA sent a written notification to Respondent that a sanitary survey of the System conducted on July 12, 2011, had identified the following significant deficiencies: no Emergency Response Plan (ERP), algal growth on an overflow structure, and improper construction of the overflow structure. The EPA's letter stated that Respondent was required to consult with the EPA within 30 days regarding the appropriate corrective action for each deficiency, according to 40 C.F.R. § 141.403(a)(4). Respondent failed to respond or otherwise consult with the EPA within 30 days and, therefore, violated this requirement.
7. On December 13, 2011, Respondent submitted a corrective action plan and schedule to the EPA under which Respondent would complete an ERP by January of 2012 and correct the improperly constructed overflow by the summer of 2012. In its submission, Respondent noted that the algal growth on the overflow had been cleaned.
8. The EPA's notification referenced in paragraph 6, above, stated that within 120 days Respondent was required, according to 40 C.F.R. § 141.403(a)(5), to complete its corrective

actions or to be in compliance with an approved schedule for corrective action. The EPA's notification also stated that according to 40 C.F.R. § 141.405(a)(2), Respondent was required to notify the EPA within 30 days of completing its corrective action. Respondent failed to complete the ERP and/or notify the EPA that the ERP had been completed and therefore, violated either or both of these regulations.

9. Respondent notified the EPA on August 30, 2012, that the significant deficiencies relating to the ERP and the improperly constructed overflow had been completed.

10. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on August 2, 2010, and July 11, 2011, Respondent failed to take at least five routine samples of the System's water in September 2010 and August 2011, and, therefore, violated this requirement.

11. 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 July 2009 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.

12. 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 6 and 7, above, to the EPA and, therefore, violated this requirement.

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

14. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the MCL violation cited in paragraph 9, above, 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):

15. Respondent shall consult with EPA regarding appropriate corrective actions for addressing significant deficiencies within 30 days of receiving written notice from the EPA. 40 C.F.R. § 141.403(a)(4).
16. If the EPA notifies Respondent of any significant deficiency, Respondent shall (a) complete corrective action for each such significant deficiency in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency and (b) notify the EPA within 30 days of completing a corrective action for each such significant deficiency. 40 C.F.R. §§ 141.403(a)(5) and 141.405(a)(2).
17. If any routine sample for the System is positive for total coliform, Respondent shall collect at least five routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a).
18. Respondent shall comply with the total coliform MCL cited at 40 C.F.R. § 141.63(a)(2).
19. 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.
20. If Respondent violates any coliform monitoring requirement in 40 C.F.R. part 141, Respondent shall report this violation to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).
21. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).
22. 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

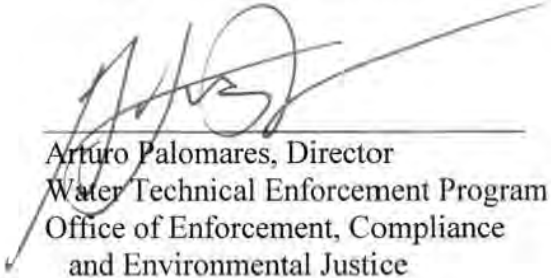
GENERAL PROVISIONS

23. 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.

24. 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: 9-17, 2012.

Margaret J. (Peggy) Livingston for
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