



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

JUN 18 2009

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Albany County Commissioners
c/o Tim Sullivan, Chair
525 Grand Avenue, Room 210
Laramie, WY 82070

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Rock River, PWS ID#5600048

Dear Commissioners:

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

An Administrative Order is being issued to the Town of Rock River, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding the maximum contaminant level for haloacetic acids (a disinfection byproduct), failure to monitor for disinfection byproducts, failure to maintain a minimum residual disinfectant concentration, failure to timely submit monitoring results, and failure to notify EPA and the public 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,

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

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 18 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Samuel Vieyra, Mayor
Town of Rock River
POB 280
Rock River, WY 82083

Re: Administrative Order
Docket No. **SDWA-08-2009-0050**
PWS ID #5600048

Dear Mayor Vieyra:

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. section 300f et seq. Among other things, the Order describes how the Town of Rock River (the Town) 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 Town 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 governments. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.com or by calling (877) 865-4326.

To submit information or request an informal conference with EPA, 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. For legal questions, the attorney assigned to this matter is



Thomas Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

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

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 JUN 18 AM 9:41

IN THE MATTER OF)
)
Town of Rock River, Wyoming)
)
Respondent.)
_____)

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
HEARING CLERK

Docket No. **SDWA 08-2009-0050**

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. The Town of Rock River is a municipality that owns and/or operates the Town of Rock River Water System (the system) in Albany County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by Rock Creek, a surface water source, which is treated by filtration and disinfection. The system serves approximately 206 people through 178 service connections year round. The system is a community water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acids (HAA5) samples each quarter to determine compliance with the disinfection byproducts (DBP) maximum contaminant levels (MCLs). 40 C.F.R. § 141.132(b)(1)(i). The MCL for HAA5 is 0.060 mg/L as determined by a running annual average (RAA) of four consecutive quarterly results. 40 C.F.R. §§ 141.64 and 141.133(b)(1)(i). Respondent's HAA5 RAA exceeded the MCL as calculated for the 2nd (April – June) quarter 2008, 3rd (July – September) quarter 2008, and 1st (January – March) quarter 2009 and, therefore, violated this requirement.

4. Respondent is required to collect a set of TTHM and HAA5 samples each quarter to determine compliance with the DBP MCLs. 40 C.F.R. § 141.132(b)(1)(i). Respondent failed to monitor DBPs during 4th (October-December) quarter 2006 and, therefore, violated this requirement.

5. Respondent is required to collect a set of TTHM and HAA5 samples each quarter to determine compliance with the DBP MCLs. 40 C.F.R. § 141.132(b)(1)(i). Respondent is required to submit DBP monitoring results to EPA within 10 days after the end of each quarter in which samples are collected. 40 C.F.R. § 141.134. Respondent failed to submit 4th (October-December) quarter 2008 DBP monitoring results to EPA within 10 days after the end of the quarter and, therefore, violated this requirement.

6. Respondent is required to continuously monitor the residual disinfectant concentration of the water entering the distribution system. 40 C.F.R. § 141.74(c). If the residual disinfectant concentration is less than 0.2 mg/L for more than 4 hours it is a treatment technique violation. 40 C.F.R. § 141.72(b)(2). Respondent failed to maintain the minimum residual disinfectant concentration of 0.2 mg/L for more than 4 hours on January 19, 2008, and, therefore, violated this requirement.

7. Respondent is required to notify EPA as soon as possible, but no later than the next business day, any time the disinfectant residual in the water entering the distribution system falls below 0.2 mg/L. 40 C.F.R. § 141.75(b)(3)(iii). Respondent failed to maintain the minimum concentration of 0.2 mg/L on January 11, 17, 19, and 30, 2008, and failed to notify EPA of these low chlorine levels and, therefore, violated this requirement.

8. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner and required time period specified by the regulations and must repeat the notice every three months as long as the violation or situation persists. 40 C.F.R. § 141.201 *et seq.* Respondent completed public notice for the HAA5 MCL violations as required in June and September 2008, but did not repeat the notice in December 2008 and, therefore, violated this requirement.

9. Respondent is required to report any DBP MCL violation to EPA within 10 days after the end of each quarter that the RAA of four consecutive quarterly results exceed the MCL. 40 C.F.R. § 141.134(b). Respondent failed to report to EPA the DBP MCL violations listed in paragraph 3 above and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours, except where a different reporting period is specified in paragraph 9 above. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4, 5 and 8 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:

11. Within 90 days, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent compliance with the HAA5 MCL. 40 C.F.R. §§ 141.64 and 141.133(b)(1)(i). The plan shall include proposed system modifications, estimated cost of the modifications, and a schedule for completion of the project and compliance with the HAA5 MCL. The proposed schedule shall include specific milestone dates and a final compliance date to be within 12 months after EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications can 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 120 days of receipt of this Order, Respondent shall submit to EPA quarterly reports on the progress made in implementing the plan and schedule required by paragraph 11, above. Each quarterly report is due by the 10th day of the month following the end of each calendar quarter.

14. Respondent must comply with the HAA5 MCL even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for non-compliance.

15. Respondent shall comply with the quarterly monitoring requirements for TTHM and HAA5. 40 C.F.R. § 141.132(b)(1)(i). Respondent shall submit DBP monitoring results to EPA within 10 days after the end of each quarter in which samples are collected. 40 C.F.R. § 141.134(a).

16. Respondent shall comply with the requirement to ensure that the residual disinfectant concentration in the water entering the distribution system is not less than 0.2 mg/L for more than 4 hours. 40 C.F.R. § 141.72(b)(2). Respondent shall notify EPA as soon as possible, but no later than the next business day, any time the disinfectant residual falls below 0.2 mg/L. 40 C.F.R. § 141.75(b)(3)(iii).

17. Within 30 days, Respondent shall provide repeat notice to the public of the HAA5 MCL violation listed in paragraph 3 above and repeat the notice every three months for as long as the violation persists. Respondent shall complete the notice for the violation by (1) mail or other direct delivery to each customer and to other service connections to which water is delivered; AND (2) any other method to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, 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 served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. Respondent shall provide public notice for any future violations. 40 C.F.R. § 141.201 *et seq.* Respondent shall send a copy of the notice to EPA within 10 days after providing the notice.

18. Respondent shall report any DBP MCL violations to EPA within 10 days after the end of each quarter that the arithmetic average of samples taken over the last year exceed the MCL. 40 C.F.R. § 141.134(b).

19. All reporting required by this Order shall be directed to:

Kathelene Brainich
U.S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

20. 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.

21. 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 18th day of June, 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