



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2018 APR 11 AM 10:00

FILED
EPA REGION VIII
HEARING CLERK

APR 11 2018

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Darin Westby, Director
Wyoming Department of State Parks
and Cultural Resources
2301 Central Avenue
Cheyenne, Wyoming 82002

Re: Administrative Order regarding Fort Fetterman State Historic Site, PWS ID #5680174
Docket No. **SDWA-08-2018-0012**

Dear Mr. Westby:

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 the Wyoming Department of State Parks and Cultural Resources (SPCR), as owner and/or operator of the Fort Fetterman State Historic Site Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations). The Administrative Order issued to the SPCR on July 12, 2017, docket number SDWA-08-2017-0023, regarding the South Pass City Historic Site Public Water System remains in full force and effect.

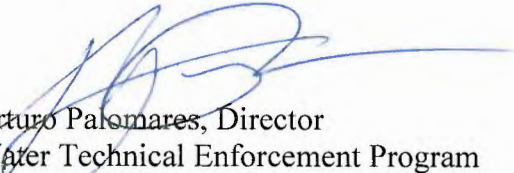
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the SPCR believes the EPA may not have (for example, monitoring that may have been done but not submitted, updates to the numbers of connections and/or individuals served). If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

If the SPCR 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 via email at 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 via email at bearley.mia@epa.gov, by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or at the above address (with the mailcode 8ENF-L).

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

cc: Mel Glover, Ft. Fetterman State Historic Site (mel.glover@wyo.gov)
Nick Neylon, West Region Manager, SPCR (nick.neylon@wyo.gov)
Arlene Ekland-Earnst, WY State Historical Society Supervisor (arlene.ekland-earnst@wyo.gov)
Converse County Commissioners (rick.grant@conversecountywy.gov)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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2018 APR 11 AM 10:00

IN THE MATTER OF:)
)
Wyoming Department of State)
Parks and Cultural Resources)
(Fort Fetterman State Historic Site))
)
Respondent.)

Docket No. SDWA-08-2018-0012

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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. The Wyoming Department of State Parks and Cultural Resources (Respondent) is a State agency that owns and/or operates the Fort Fetterman State Historic Site Public Water System (System), which provides piped water to the public in Converse County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source accessed via one well and is operated seasonally from June through September. The water is treated for disinfection by chlorination.

4. The System has approximately 4 service connections and regularly serves at least 52 individuals daily at least 60 days out of the year. Therefore, the system is a “public water system” as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The System is also a “transient, non-community 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).

6. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System’s water monthly for total coliform bacteria from June through September. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during the months of August and September 2017 and, therefore, violated this requirement.

8. Respondent is required to complete corrective actions of sanitary defects identified during a Level 2 assessment in compliance with a timetable approved by the EPA in consultation with the System and to notify the EPA when each corrective action is completed. 40 C.F.R. § 141.859. Respondent was notified via a letter from the EPA dated September 13, 2017, of the

approved schedule deadline of October 13, 2017, for correcting sanitary defects identified during a Level 2 assessment conducted on July 26, 2017. Respondent did not complete all corrective actions by the deadline and/or did not notify the EPA of the corrections and, therefore, violated these requirements.

9. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. §141.861(a)(4). Respondent failed to report the violations listed in paragraph 7, above, to the EPA and, therefore, violated this requirement.

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 violation cited in paragraph 8, 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. Respondent shall monitor the System's water monthly for total coliform bacteria from June through September each year. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results. 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4).

12. Prior to opening for the season in June 2018, Respondent shall complete the following corrective actions of sanitary defects identified in the Level 2 assessment conducted on July 26, 2017, and submit an Assessment Sanitary Defect Correction Notice (enclosed) with photos and other documentation to the EPA:

- Revise total coliform sampling plan.
- (select indoor taps when possible and eliminate self-draining hydrants as sampling sites)
- Repair storage tank hatch seal and install a complete gasket (submit dated labeled photos)
- Repair pellet drop chlorinator (submit dated labeled photos).
- Provide results of the chlorine injection investigation.
- Storage tank was reportedly cleaned May 20, 2017, but documentation not yet provided.

Thereafter, if System monitoring triggers another assessment under the Revised Total Coliform Rule, Respondent shall comply with all requirements of 40 C.F.R. § 141.859.

13. This Order shall be binding on Respondent and any person (e.g., employee, contractor or other agent) acting in concert with Respondent.

14. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall provide a copy of this Order to the contractor or employee and notify the EPA in writing of the contract or hire within 10 days. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.

15. Respondent shall send all reporting and notifications required by this Order via email to:

R8DWU@epa.gov AND brainich.kathelene@epa.gov

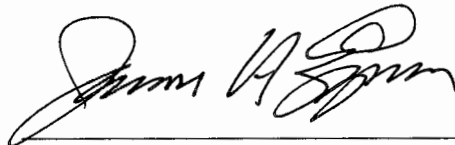
GENERAL PROVISIONS

16. This Order shall not constitute a waiver, suspension or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

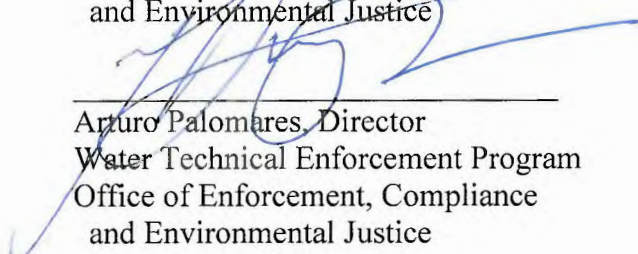
17. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

18. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: April 11, 2018.



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice



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

