



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

SEP 13 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laramie County Commissioners
Diane Humphrey, Chair
310 W 19th Street, Suite 300
County Courthouse
Cheyenne, WY 82001-4449

Re: Notice of Safe Drinking Water Act
Enforcement Action against
High Plains Ranch
Public Water System
PWS ID #WY5600260

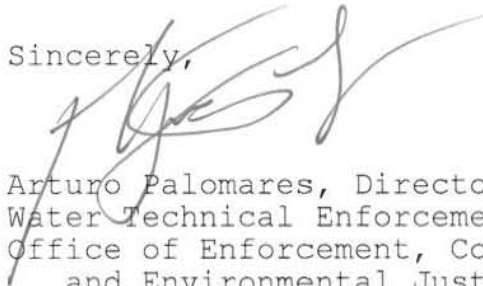
Dear County Commissioners:

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

EPA has issued an Administrative Order to Joe Harmon, owner of the High Plains Ranch public water system, directing him to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: total coliform maximum contaminant level exceedances, failure to monitor volatile organic contaminants, failure to monitor inorganic contaminants, failure to monitor synthetic organic contaminants, failure to monitor for lead and copper, failure to notify the public of these violations and failure 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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure:
Administrative Order



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Ref: 8ENF-W

SEP 13 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joe Harmon, Owner
High Plains Ranch
7911 Archies Road
Cheyenne, WY 82001-9211

Re: Administrative Order
High Plains Ranch
Public Water System
Docket No. **SDWA-08-2011-0068**
PWS ID #WY5600260

Dear Mr. Harmon:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that you have violated the National Primary Drinking Water Regulations (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 you comply 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.

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.

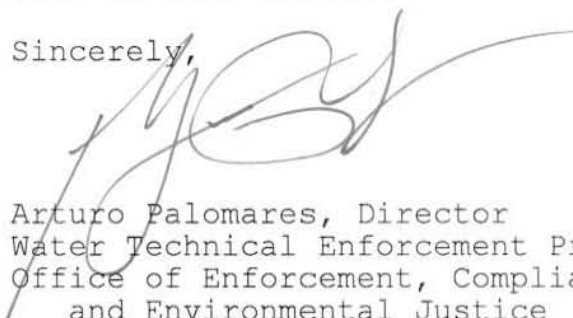
The Order requires you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from the company'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,



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

Enclosures:

Order
SBREFA Information Sheet
Public notice template

cc:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 SEP 13 AM 10:35

IN THE MATTER OF:)
)
Joe Harmon,)
)
)
Respondent.)

Docket No. **SDWA-08-2011-0068**

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
READING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. Joe Harmon is an individual who owns and/or operates the High Plains Ranch Water System (the System), which provides piped water to the public in Laramie County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source consisting of one well, which is chlorinated intermittently.

4. The System has approximately 19 service connections used by year-round residents and/or regularly serves at least 50 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. Respondent is required to monitor the System's water for synthetic organic (pesticide/herbicide) contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during 2008 - 2010 and, therefore, violated this requirement.

8. Respondent is required to monitor the System's water for certain inorganic contaminants at least once every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for inorganic contaminants during 2008 - 2010 and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for volatile organic contaminants during 2008 - 2010, and, therefore, violated this requirement.

10. Respondent is required to monitor the System's water for lead and copper. 40 C.F.R. § 141.86(d). Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). On August 26, 2009, Respondent collected only 4 lead and copper samples. Respondent failed to collect the required number of samples of the System's water during the 2007 - 2009 monitoring period and, therefore, violated this requirement.

11. Since Respondent did not collect the appropriate number of lead and copper samples in 2009, Respondent was required by EPA to sample annually between June 1, 2010, and September 30, 2010. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during that period in 2010 and, therefore, violated this requirement.

12. If two or more samples collected in any month from the System's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During June of 2006 and July of 2007 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.

13. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the violations cited in paragraph 10 and the June 2006 violation in paragraph 12, above, and, therefore, violated this requirement. Public notice for the violations cited in paragraphs 7 through 9 and 11 is not yet overdue. Public notice for the July 2007 total coliform MCL violation cited in paragraph 12 was completed on September 27, 2007.

14. Respondent is required to report any coliform MCL violation to 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 EPA of the MCL violations cited in paragraph 12, above, and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 7 through 11 and 13, above, to 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):

16. Within 30 days of receipt of this Order and per the regulations thereafter, Respondent shall monitor the System's water for synthetic organic contaminants. 40 C.F.R. § 141.24 (h).

17. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the System's water for inorganic contaminants. 40 C.F.R. § 141.23(a) and (c).

18. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the System's water for volatile organic contaminants. 40 C.F.R. § 141.24(f).

19. Between June 1, 2011, and September 30, 2011, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

20. Respondent shall comply with the total coliform MCL. 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 EPA by the end of the business day after discovering the

violation, as required by 40 C.F.R. § 141.21(g)(1).

21. Within 30 days of receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 12, above, (except for the July 2007 violations in paragraph 12) as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.

22. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by EPA, whichever is earlier. 40 C.F.R. § 141.31(a).

23. Respondent shall report any violation of the drinking water regulations to 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.

24. 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

25. 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 EPA to forgo any civil or criminal action.

26. 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.

Joe Harmon
High Plains Ranch
Page 5 of 5

Issued: September 13, 2011.



Matthew Cohn, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

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.

Templates

Monitoring Violations Annual Notice–Template 3-1

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring 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 one week (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 CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

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 are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

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)).

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for High Plains Ranch

Our water system violated several drinking water standards over the past few years. 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. We failed to monitor for synthetic organic contaminants, inorganic contaminants, volatile organic contaminant, and lead and copper 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 previous years, 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	When all samples should have been taken	When samples were or will be taken
Failure to monitor lead and copper (triennially during 2007 – 2009 and annually during 2010)	5 samples in each monitoring period	System collected 4 out of 5 samples for the 2007 – 2009 monitoring period. System should have collected 5 samples during June – September 2010	
Failure to monitor synthetic organic contaminants	Triennially	2008 - 2010	
Failure to monitor inorganic contaminants	Triennially	2008-2010	
Failure to monitor volatile organic contaminants	Triennially	2008-2010	

What happened? What is being done?

For more information, please contact [name and number of contact person] _____ or
[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 **High Plains Ranch**
State Water System ID#: **WY5600260**

Date distributed or dates posted: _____

Instructions for Resolved Total Coliform Notice –(Tier 2)

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Check with the Division of Drinking Water to make sure you meet all the public notification requirements.

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations for at least 7 days
- 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 (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We have increased sampling for coliform bacteria to catch the problem early if it recurs.
- The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.

After Issuing the Notice

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in the High Plains Ranch public water system

Our water system violated a drinking water standard in June 2006. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. High Plains Ranch exceeded the maximum contaminant level for total coliform bacteria. This violation is listed below with the number of samples taken and the number of samples which tested positive.

<u>Violation Date</u>	<u>Number of samples taken</u>	<u>Number of positive samples</u>
June 2006	7	5

The standard is that no more than 1 sample per month may do so.

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present.

What happened? What was done?

[Describe corrective action here.]

For more information, please contact _____ at ____-____-____ 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 **High Plains Ranch**

State Water System ID#: **WY5600260**

Date distributed: _____