



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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EPA REGION VIII
HEARING CLERK

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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

Dear Mayor Vieyra:

On June 18, 2009, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2009-0050, ordering the Town of Rock River (Town) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq.

Our records indicate that the Town is in violation of the Order. Among other things, the Order included the following requirements (quoted from item 11 on page 2 and items 16 and 17 on page 3 of the Order):

1. 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.

EPA received a fax on October 19, 2009, that indicated the Town had decided to install pretreatment; however, the plan did not include a schedule for completion of the project nor estimated costs of the modifications. On November 2, 2009, EPA received the package that the Town had submitted to WY DEQ for review but it, also, did not contain a schedule or estimated



cost. A plan that meets the requirements of the above paragraph must be submitted to EPA within 10 days of receipt of this letter.

2. 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).

The residual disinfectant concentration in the water entering the Town's distribution system was less than 0.2 mg/L for more than 4 hours on October 11-14, 2009, and again on October 18, 2009. Further, EPA has no record of the Town reporting these violations.

3. Within 30 days, Respondent shall provide repeat notice to the public of the HAA5 MCL violation 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.

EPA has not received a public notice as required by the Order. Public notice must be completed immediately and repeated every three months for as long as the HAA5 MCL violation exists. A copy of all completed public notices must be sent to EPA within 10 days after providing the notice.

EPA is considering additional enforcement action as a result of non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Kathelene Brainich at 1-800-227-8917, extension 6481 or (303) 312-6481. If you are represented by an attorney who has questions, ask your attorney to contact Thomas Sitz, Enforcement Attorney, at 1-800-227-8917, extension 6918, or (303) 312-6918 or at the following address:



Thomas Sitz
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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

