



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DEC 21 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Montuoro, District #3 Maintenance Engineer
WY Department of Transportation
P.O. Box 1260
Rock Springs, WY 82902

Tyler Wille, District #3 Maintenance
WY Department of Transportation
P.O. Box 1260
Rock Springs, WY 82902

Re: 2nd Violation of
Administrative Order
Docket No. SDWA-08-2009-0038
PWS ID #WY5601217

Dear Mr. Montuoro and Mr. Wille:

On March 9, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2009-0038, ordering the Wyoming Department of Transportation (Respondent), as owner of the Evanston Port-of-Entry water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*

Our records indicate that the Wyoming Department of Transportation is again in violation of the Order. Among other things, the Order included the following requirements (quoted from items 9, 11 and 17 of the Order section on pages 2 and 3 of the Order):

1. Respondent shall monitor the system's water at least three times per month for total coliform bacteria. Samples are to be taken at regular intervals throughout the month. 40 C.F.R. § 141.21.

Respondent failed to collect and analyze three total coliform bacteria samples during May 2009, August 2009 and October 2009.

2. Beginning within 30 days of receipt of this Order, Respondent shall take daily samples of chlorine residual in the distribution system and submit a monthly summary to EPA. Such monitoring summaries shall be due to EPA by the 10th day following each month. Respondent shall continue such daily chlorine residual monitoring and monthly reporting until notified by EPA that such requirements may cease.

On August 11, 2009, Mr. Crompton notified EPA, on behalf of the Wyoming Department of Transportation, that a new chlorine pump would be installed and should be up and running within the next 10 days (by August 25, 2009). Respondent has not provided EPA with chlorine residual reports for September 2009 and October 2009.

3. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2).

Respondent failed to report the May 2009, August 2009 and October 2009 noncompliance with the total coliform monitoring requirements to EPA within 10 days of learning of the violation.

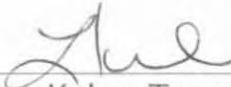
EPA is considering additional enforcement action, including assessment of penalties, as a result of the System's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.



If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. You may also want to ask an attorney from the Wyoming Attorney General's office to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

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

We urge your prompt attention to this matter.



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

cc:

John Cox, Director, WY DOT
Mr. Charles Crompton, Area Supervisor, WY DOT
WY DEQ and DOH (via e-mail)
Tina Artemis, EPA Regional Hearing Clerk

