



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

JUN 21 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o Wally Johnson, Chairman
Sweetwater County Courthouse
80 W. Flaming Gorge Way
Green River, WY 82935

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Tata Chemicals (Soda Ash)
Partners Public Water System
PWS ID # WY5600636

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Tata Chemicals North America, Inc., which owns and/or operates the Tata Chemicals (Soda Ash) Partners public water system, located in Sweetwater County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for total haloacetic acids; failing to report residual chlorine levels, failing to provide public notice for certain violations; and failing to report certain 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 this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

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

Enclosure:
Order



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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hirst Applegate Registered Agent Services, Inc., Registered Agent
Tata Chemicals North America, Inc.
1720 Carey Ave., Ste. 400
Cheyenne, WY 82001

Re: Administrative Order
Tata Chemicals (Soda Ash) Partners
Public Water System
Docket No. **SDWA-08-2012-0029**
PWS ID #WY5600636

Dear Madame/Sir:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) 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 Tata Chemicals North America, Inc. (the Company), as owner and/or operator of the Tata Chemicals (Soda Ash) Partners public water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If the Company 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.

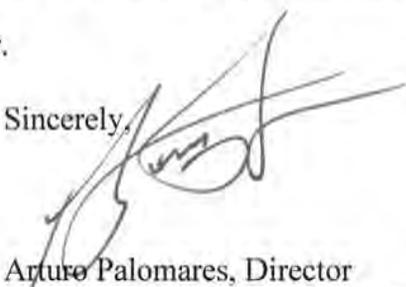
The Order requires the Company to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917,

extension 6297 or (303) 312-6297. Any questions from the Company's attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

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
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Lee Bruder, Senior Environmental Technician,
Tata Chemicals (Soda Ash) Partners (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JUN 21 AM 10:34

FILED
EPA REGION VIII
ADMINISTRATIVE ORDER

IN THE MATTER OF:)
)
Tata Chemicals North America, Inc.,)
)
)
Respondent.)

Docket No. **SDWA-08-2012-0029**

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Tata Chemicals North America, Inc. (Respondent) is a Delaware corporation that owns and/or operates the Tata Chemicals (Soda Ash) Partners Water System (the System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a surface source, and the water is treated with coagulation, clarification, membrane filtration, and chlorination.
4. The System has approximately 18 service connections and/or regularly serves an average of approximately 678 of the same individuals daily for at least 6 months out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "non-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 Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to report to the EPA as soon as possible, but no later than the end of the next business day (1) any time the residual disinfectant in the water entering the System's distribution system falls below 0.2 mg/l, and (2) whether the residual was restored to 0.2 mg/l within four hours. 40 C.F.R. § 141.75(b)(3)(iii). Respondent failed to report to the EPA (1) that on March 10, 2009, the residual fell below 0.2 mg/l and (2) whether the residual was restored within four hours, and, therefore, violated this requirement.

8. The Maximum Contaminant Level (MCL) for Haloacetic acids (five) (HAA5) is 0.060 milligrams per liter (mg/l), based on a running annual average of quarterly averages. 40 C.F.R. §§ 141.64(b) and 141.133(b). The running annual average of quarterly averages of HAA5 samples from the System for the 2nd through 4th quarters of 2011 exceeded 0.060 mg/l and, therefore, Respondent violated the HAA5 MCL.

9. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the 2nd quarter of 2011 violation cited in paragraph 8, above, 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 violations cited in paragraphs 8 and 9, 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. If the residual disinfectant level in water entering the System's distribution system falls below 0.2 mg/l at any time, Respondent shall, no later than the end of the next business day, notify the EPA that this has occurred and include in this notification a statement of whether the residual level of 0.2 mg/l was restored within four hours.

12. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a compliance plan and schedule for the System to come into and remain in compliance with the MCL for HAA5 as stated in 40 C.F.R. §§ 141.64 and 141.133(b). The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the MCL for HAA5. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of the EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by the EPA before construction or modifications may begin. The 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 may be made to the System.

13. The plan and schedule required by paragraph 12, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

14. Within 30 days after receipt of the EPA's approval of the plan and schedule required by paragraph 12, above, Respondent shall provide the EPA with quarterly reports on the progress made



toward bringing the System into compliance with the HAA5 MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.

15. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 12, above, Respondent shall notify the EPA of the project's completion.

16. Respondent shall achieve and maintain compliance with the MCL for HAA5 by the final date specified in the approved plan, or no later than six months after receipt of the EPA's approval of the plan and schedule required by paragraph 12, above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

17. Within 30 days after receipt of this Order, Respondent shall notify the public of the 2nd quarter 2011 violation cited in paragraph 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Further, Respondent shall repeat the notice every three months as long as the HAA5 MCL situation persists or Respondent is advised by EPA that it may discontinue doing so. 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 after providing public notice, Respondent shall submit a copy of the notice to the EPA.

18. Respondent shall report any violation of the Drinking Water Regulations to the 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.

19. Respondent shall direct all reporting required by this Order to:

U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

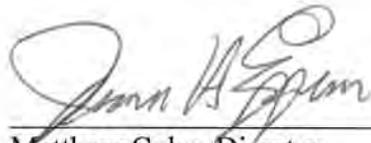
20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.



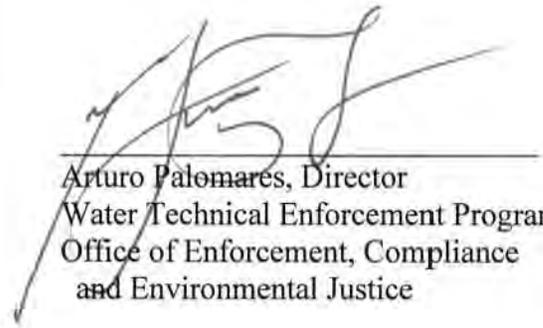
Tata Chemicals of North America, Inc., Respondent
Tata Chemicals (Soda Ash) Partners Water System
Page 4 of 4

21. 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.

Issued: June 21, 2012.



Matthew Cohn, Director
James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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



Instructions for Stage 1 DBPR TTHM or HAA5 MCL Violation Notice – Template 2-18

Template on Reverse

If your system's running annual average for Total Trihalomethanes (TTHM) exceeds the MCL of 0.080 mg/L or the running annual average for Haloacetic Acid 5 (HAA5) exceeds the MCL of 0.060 mg/L, you must provide Tier 2 notification to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

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

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 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 your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are steps commonly taken by water systems with TTHM or HAA5 MCL violations. You can include one of the following statements, if appropriate, or develop your own text:

- We are evaluating modifications to our existing treatment processes to reduce the levels of disinfection byproducts in our distribution system.
- We are pilot testing [name treatment type] treatment to ensure it will reduce concentrations of [Contaminant, i.e., Total Trihalomethanes or Haloacetic Acid 5] in our finished water. Testing will be completed by [provide date] at which time we will evaluate effectiveness and begin installation.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress in installing treatment, describe it. Alternatively, if funding or other issues are delaying installation of treatment, let consumers know.

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 the public notice requirements within ten days after you issued the notice [40 CFR 141.31(d)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Contaminant, i.e., Haloacetic Acid 5 (HAA5), MCL Violation at Tata Chemicals (Soda Ash) Partners

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from the 2nd through 4th quarters of 2011 (Mar – May; June – Sept; and Oct – Dec) show that our system exceeds the standard, or maximum contaminant level (MCL), for HAA5. The standard for HAA5 is 0.060. It is determined by averaging all samples collected by our system for the last 12 months. The level of HAA5 averaged at our system for the 2nd quarter of 2011 was 0.081, for the 3rd quarter of 2011 was 0.070, and for the 4th quarter of 2011 was 0.066.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

[HAA5 are five haloacetic acid compounds] which form when disinfectants react with natural organic matter in the water.

People who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What is being done?

[Describe corrective action.]

We anticipate resolving the problem within [estimated time frame].

For more information, please contact Lee Bruder at 307-872-3405 or P.O. Box 551, Green River, WY 82935.

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 the Tata Chemicals (Soda Ash) Partners water system. State Water System ID#: WY5600636.

Date distributed: _____

After Issuing the Notice

Make sure to send EPA Region 8 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:

Mario Mérida
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Mario Mérida 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 _____