



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2017 SEP 29 AM 9:39

SEP 29 2017

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Joel Peterson, Mayor
Town of Cowley
P.O. Box 635
Manville, Wyoming 82420

Re: Administrative Order regarding the Town of Cowley Public Water System,
PWS ID #5600206, Docket No. **SDWA-08-2017-0041**

Dear Mayor Peterson:

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 Town of Cowley (Town), as owner and/or operator of the Town of Cowley Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (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 the Town believes the EPA may not have (for example, monitoring that may have been done but not submitted). If the EPA does not hear from the Town, the EPA will assume the information in the Order is correct.

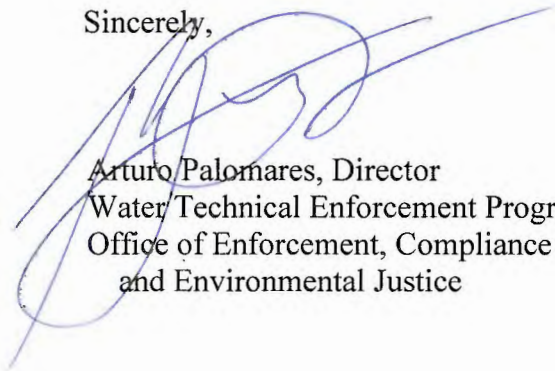
If the Town complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The 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.

To submit information or to request an informal conference with the EPA, please contact Olive Hofstader via email at hofstader.olive@epa.gov or by phone at (800) 227-8917 extension 6467 or 303-312-6467. Any questions from the Town's attorney should be directed to Mia Bearley, Enforcement Attorney, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or at the letterhead 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: John Barnes, Town of Cowley (cowleytown@tctwest.net)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk



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Ref: 8ENF-W-SDW

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Big Horn County Commissioners
c/o Felix Garrizales, Chair
P.O. Box 31
Basin, Wyoming 82410

Re: Notice of Safe Drinking Water Act Enforcement Action regarding The Town of Cowley
Public Water System, PWS ID #5600206 **Docket No. SDWA-08-2017-0041**

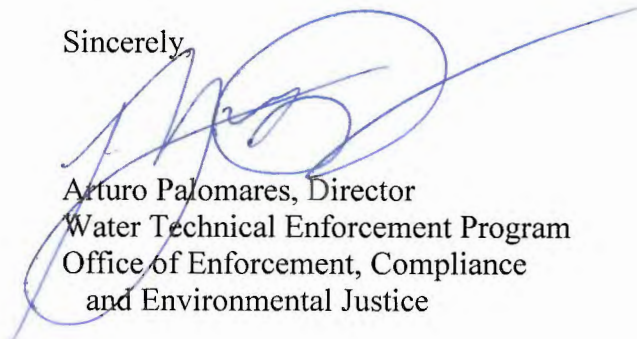
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Town of Cowley, as owner and/or operator of the Town of Cowley Public Water System, located in Big Horn County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to correct significant deficiencies of the well and storage tank, failure to include the violation in the annual consumer confidence report and failure to notify the EPA of these violations.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2017 SEP 29 AM 9:39

IN THE MATTER OF:)
)
Town of Cowley,)
)
Respondent.)

Docket No. ~~SDWA-08-2017-0041~~

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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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Town of Cowley (Respondent) is a municipality that owns and/or operates the Town of Cowley Public Water System (System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is not treated.
4. The System has approximately 375 service connections used by year-round residents and/or regularly serves an average of approximately 800 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 section 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 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 complete corrective action of significant deficiencies in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiencies. 40 C.F.R. § 141.403(a). Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on September 23, 2016, that detailed significant deficiencies, which required completion of corrections by March 25, 2017. On March 31, 2017, Respondent requested, and was granted, a time extension to April 14, 2017, to complete corrections. Respondent failed to complete corrective actions in compliance with the EPA-approved corrective action schedule and, therefore, violated this requirement.

8. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year. A CCR includes, among other things, information related to drinking water violations that occurred during the year covered by the report. 40 C.F.R. § 141.153. Respondent failed to include the required information related to the failure to address significant deficiencies violation listed in paragraph 7 above, in the CCR for 2016 and, therefore, violated this requirement.

9. 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 7 and 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):

10. No later than December 31, 2017, Respondent shall cover the air release-vacuum relief valve with a #24-mesh corrosion-resistant screen for the Madison Well (WL01) and provide documentation to the EPA of the completion:

11. On August 1, 2017, Respondent informed EPA that Tank ST01 will be replaced in early 2019, which will address the significant deficiencies identified for Tank ST01. Within 90 days after receipt of this Order, Respondent shall submit a compliance schedule for replacement of the finished water storage tank ST01. Thereafter, Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

12. Within 30 days after receipt of this Order, Respondent shall prepare an amended 2016 CCR for the System that includes the failure to correct significant deficiencies violation in a separate paragraph entitled "violations", and distribute the CCR to the System's customers and the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certification in accordance with 40 C.F.R. §§ 141.151-141.155.

13. 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.

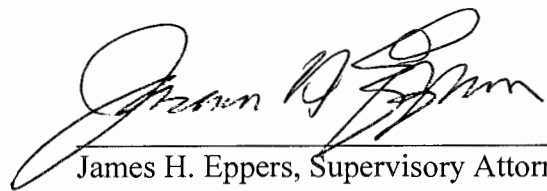
14. This Order shall be binding on Respondent and any person (e.g., employee, contractor or other agent) acting in concert with Respondent.

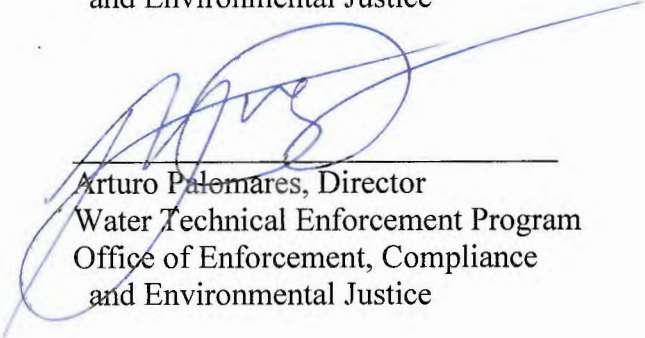
15. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such hire or contract, provide a copy of this Order to the employee or contractor and notify the EPA in writing of the employee's or contracted parties' name and contact information. Respondent shall remain obligated to comply with this Order even if Respondent contracts with or hires another person or entity to operate the System.
16. Respondent shall send all reporting and notifications required by this Order to the EPA via email at R8DWU@epa.gov or fax at (877) 876-9101.

GENERAL PROVISIONS

17. 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.
18. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (January 12, 2017).
19. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).
20. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 29th, 2017.


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


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

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaa/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills -

<http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.