



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
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Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8 ENF-W

MAR 22 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Charles Crompton, Area Supervisor  
Wyoming Department of Transportation  
Evanston Port-of-Entry  
P.O. Box 152  
Evanston, WY 82931

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

Dear Mr. Crompton:

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. Respondent received and signed for the Administrative Order on March 31, 2009.

Our records indicate that the Wyoming Department of Transportation is in violation of the Administrative Order (the Order). In addition, according to paragraph 12 on page 3 of the Order, Wyoming Department of Transportation is now required to submit to EPA a compliance plan and schedule for compliance with the total coliform MCL. The plan is due within 60 days of the June 2009 MCL, or by August 30, 2009. Specific requirements of the plan are cited in the Order.

Among other things, the Order included the following requirements (quoted from items 9, 10, 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 April 2009.

2. Respondent shall comply with the total coliform maximum contaminant level (MCL). 40 C.F.R. § 141.63.

The system exceeded the total coliform MCL in June 2009.

3. 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 10<sup>th</sup> day following each month. Respondent shall continue such daily chlorine residual monitoring and monthly reporting until notified by EPA that such requirements may cease.

Respondent has not provided EPA with chlorine residual reports for May 2009 and June 2009. EPA was notified, by Mr. Crompton, on June 30, 2009 that the chlorinator was pumping intermittently due to an inability to keep prime.

4. 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 April 2009 noncompliance with the total coliform monitoring requirements to EPA within 10 days of learning of the violation.

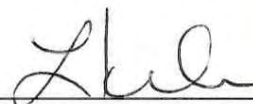
EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.



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. If you are represented by an attorney who has questions, please ask your attorney 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.



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

cc: Jim Montuoro, District Maintenance Engineer, WY DOT Dist. Office #3  
John Cox, Director, WY DOT  
WY DEQ and DOH (via e-mail)  
Tina Artemis, EPA Regional Hearing Clerk

