



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 13 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Washakie County Commissioners
c/o Ron Harvey, Chairman
P.O. Box 260
Worland, WY 82401

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
South Circle Improvement and Service
District Public Water System
PWS ID #WY5601640

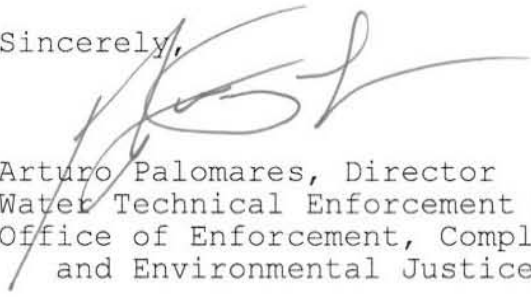
Dear County Commissioners:

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

EPA has issued an Administrative Order (Order) to the South Circle Improvement and Service District, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failure to monitor for total coliform, synthetic organic contaminants, volatile organic contaminants, lead and copper, and radionuclides, and failing to report these 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 the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,


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

Enclosure:
Administrative Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 13 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Murphy, Owner/Responsible Party
South Circle Improvement and Service District
P.O. Box 332
Ten Sleep, WY 82442

Boyd Whitlock, Operator
South Circle Improvement and Service District
P.O. Box 83
Ten Sleep, WY 82442

Re: Administrative Order
South Circle Improvement and
Service District Public Water
System
Docket No. **SDWA-08-2011-0067**
PWS ID #WY5601640

Dear Mr. Murphy and Mr. Whitlock:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that South Circle Improvement and Service District (the District) has violated the National Primary Drinking Water Regulations (drinking water regulations).

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

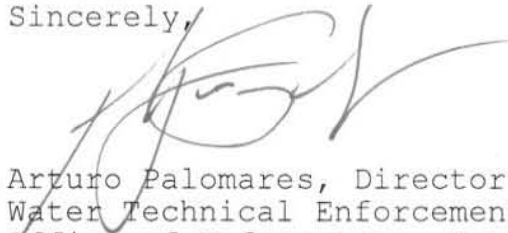
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or

(303) 312-6983. Any questions from the District's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

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
SBREFA

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
South Circle Improvement)
and Service District)
)
)
Respondent.)

2011 SEP 13 AM 10:32

Docket No. **SDWA-08-2011-0067**

FILED
EPA REGION VIII
HEARING CLERK

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 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. South Circle Improvement and Service District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the South Circle Improvement and Service District Water System (the System), which provides piped water to the public in Washakie County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source consisting of one well. The water is not treated.

4. The System has approximately 14 service connections used by year-round residents and/or regularly serves at least 31 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 § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the months of March 2011, April 2011 and June 2011 and, therefore, violated this requirement.

8. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) during 4 consecutive quarters

beginning in January 2011. 40 C.F.R. § 141.24(f)(4). Respondent monitored the System's water for VOCs during the 1st quarter of 2011, however, failed to monitor the System's water for VOCs during the 2nd quarter of 2011 and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water for synthetic organic contaminants (pesticide/herbicide) during 4 consecutive quarters beginning in January 2011. 40 C.F.R. § 141.24(h). Respondent monitored the System's water for synthetic organic contaminants during the 1st quarter of 2011, however, failed to monitor the System's water for synthetic organic contaminants during the 2nd quarter of 2011, and, therefore, violated this requirement.

10. Respondent is required to conduct initial quarterly monitoring of the System's water for radionuclides beginning in January 2011. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during the 1st and 2nd quarters of 2011, and, therefore, violated this requirement.

11. Respondent is required to monitor the System's tap water for lead and copper during 2 consecutive 6-month monitoring periods. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during January - June 2011, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 through 11, above, to 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):

14. Respondent shall monitor the System's water monthly for total coliform bacteria and, in the event of any result that is positive

for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

15. Respondent shall monitor the System's water for volatile organic contaminants no later than September 30, 2011, and during each of the following 3 consecutive quarters. Thereafter, Respondent shall monitor the System's water for VOCs in compliance with 40 C.F.R. § 141.24.

16. Respondent shall monitor the System's water for pesticide/herbicide contaminants no later than September 30, 2011, and during each of the following 3 consecutive quarters. Thereafter, Respondent shall monitor the System's water for pesticide/herbicide organics in compliance with 40 C.F.R. § 141.24.

17. Respondent shall monitor the System's water for radionuclides no later than September 30, 2011 and during each of the following 3 consecutive quarters or as directed by EPA. Thereafter, Respondent shall monitor the System's water for radionuclides in compliance with 40 C.F.R. § 141.26(a).

18. Respondent shall monitor the System's water for lead and copper, before December 31, 2011, again between January 1 and June 30, 2012, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

19. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the State, whichever is earlier. 40 C.F.R. § 141.31(a).

20. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if different time period for reporting is specified in this Order or the drinking water regulations, Respondent shall report within that different period.

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


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

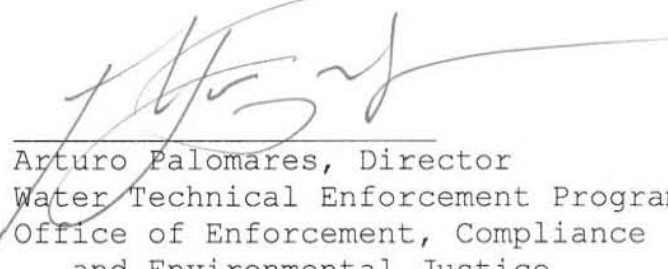
GENERAL PROVISIONS

22. 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 EPA to forgo any civil or criminal action.

23. 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: September 13, 2011.


Matthew Cohn, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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