



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

AUG 26 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Niobrara County Commissioners
c/o Richard A. Ladwig, Chair
424 South Elm
Lusk, WY 82225

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Town of Manville
PWS ID # WY5600110

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 the Town of Manville, located in Niobrara County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for radionuclides (Uranium) and exceeding the maximum contaminant level for Uranium.

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,

A handwritten signature in blue ink, appearing to read "Arturo Palomares", written over a circular stamp or mark.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency –
Region 8

Enclosure
Order



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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Richard Schroeder, Mayor
Town of Manville
P.O. Box 107
Manville, WY 82227

Re: Administrative Order
Town of Manville Public
Water System
Docket No. **SDWA-08-2010-0071**
PWS ID #WY5600110

Dear Mr. Schroeder:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that the Town of Manville 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 Town of Manville 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.

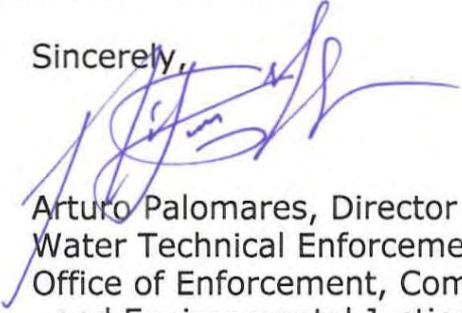
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

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

To submit information or request an informal conference with 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 Town of Manville'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
U.S. Environmental Protection Agency –
Region 8

Enclosures:

Order
Public notice templates
SBREFA

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Bruce Spencer, Operator, Town of Manville Public Water System

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 AUG 26 AM 9:24

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
Town of Manville, WY,)
Respondent.)

Docket No. SDWA-08-2010-0071

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The Town of Manville (Respondent) is a municipality that owns and/or operates the Town of Manville Water System (the system), which provides piped water to the public in Niobrara County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of 3 wells and the water is treated with an injected hypochlorite solution.
4. The system has approximately 60 service connections used by year-round residents and/or regularly serves an average of approximately 97 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, and other notices, of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondent is required to monitor the system's water for uranium once every quarter per 40 C.F.R. § 141.26(a)(3)(v); see also EPA's letter of August 3, 2006, which initially advised Respondent of this requirement following the December 12, 2004 sample exceeding the maximum contaminant level (MCL) for uranium. Respondent failed to monitor the system's water for uranium during the 2nd quarter of 2007, the 3rd quarter of 2008, and the 1st and 3rd quarters of 2009, and, therefore, violated this requirement.

8. Uranium monitoring results from the system's water during the 2004 – 2007 period, and during the 1st, 2nd and 4th quarters of 2008, 2nd and 4th quarters of 2009, and 1st quarter of 2010, computed on a running annual average basis according to 40 C.F.R. § 141.26(c)(3), exceeded the uranium MCL of 0.030 mg/l, as established by 40 C.F.R. § 141.66(e). Respondent, therefore, violated this requirement.

9. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraph 7, above. Further, respondent failed to notify the public of having exceeded the uranium MCL during the 2nd quarter of 2007, the 4th quarter of 2008, and the 2nd quarter of 2009, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any drinking water regulation to 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 paragraph 7 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):

11. Respondent shall monitor the system's water for uranium no later than September 30, 2010, and thereafter every quarter until a different sampling frequency is determined by EPA, as required by 40 C.F.R. § 141.26(a)(3)(v). Respondent shall report analytical results to EPA within the first 10 days following



the month in which each sample result is received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the radionuclide monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

12. Within 60 days of receiving this Order, Respondent shall provide EPA with a schedule for Respondent to come into compliance with the uranium MCL in 40 C.F.R. § 141.66(e). The plan, drawing from among options identified in the Manville Source Water Supply Study, Level II Study, of September 1, 2008, shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the uranium MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 12 months from the date of EPA's approval of the plan and schedule). The plan and schedule must be approved by EPA before construction or modifications can begin. Please note that certain compliance technologies for radionuclides (including uranium) have important use limitations and requirements per 40 C.F.R. § 141.66(h). For this reason, EPA suggests Respondent consults with EPA prior to submission of its proposed schedule and plan for compliance for EPA consideration. EPA's approval of Respondent's plans 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, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

14. Within 30 days after receiving EPA's approval of the plan and schedule required by paragraph 12, above, Respondent shall provide EPA with quarterly reports on the progress made toward bringing the system into compliance with the uranium 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 EPA of the project's completion.

16. Respondent shall achieve and maintain compliance with the uranium MCL by the final date specified in the approved plan, or no later than 12 months after receiving 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, EPA may order further steps and/or seek penalties for noncompliance.

17. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period.

18. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraph 7, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Further, Respondent shall notify the public of unreported violations of the uranium MCL cited in paragraph 9 and shall repeat the notice every three months as long as the uranium 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 EPA.

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 EPA to forgo any civil or criminal action.

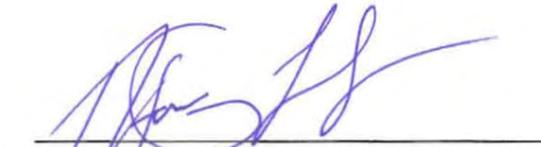


21. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: August 25, 2010.



Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency – Region 8



Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

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

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least seven days (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in italics (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

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 all the public notice requirements within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for the Town of Manville

Our water system violated drinking water standards from 2007 – 2009. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2007 - 2009 we did not complete all monitoring or testing for radionuclides (uranium) and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the 2007 – 2009 period, how often we are supposed to sample for this contaminant and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Radionuclides (Uranium)	Quarterly	0	2 nd quarter 2007 3 rd quarter 2008 1 st quarter 2009 3 rd quarter 2009	All other quarters, as required (3 rd quarter 2006 – present)

What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 Town of Manville. State Water System ID#:WY5600110
Date distributed: _____.

Tier 2 Templates

Tier 2 notices are required for the following violations or situations:

- Maximum contaminant level (**MCL**), maximum residual disinfectant level (**MRDL**), and **treatment technique** requirement violations, except where Tier 1 notification is required by regulation or by the primacy agency;
- **Monitoring or testing procedure violations (if required by the primacy agency)**; and
- **Failure to comply** with the terms and conditions of a **variance or exemption**.

The pages that follow contain templates for these Tier 2 violations or situations, as listed below. Along with each template are instructions, including the required method of delivery and suggestions for completing individual sections of the notice. These instructions are designed to supplement Chapter 6, so you may see much of the information repeated here.

Mandatory language on health effects, which must be included as written with blanks filled in, is presented in italics (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does not relieve you of your obligation to take steps reasonably calculated to notify all persons served:

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.

Templates

Unresolved Total Coliform Notice–Template 2-1
Resolved Total Coliform Notice–Template 2-2
Chemical or Radiological MCLs Notice–Template 2-3
Fluoride MCL Notice–Template 2-4
SWTR Failure to Filter Notice–Template 2-5
SWTR Turbidity Exceedance Notice–Template 2-6
SWTR Disinfection Treatment Notices–Template 2-7
LCR Failure to Install Corrosion Control Notice–Template 2-8
LT2ESWTR Failure to Install Treatment Notice–Template 2-9a
LT2ESWTR Uncovered Finished Water Reservoir Treatment Notice–Template 2-9b
LT2ESWTR Unfiltered System Failure to Install Treatment Notice–Template 2-9c
LT2ESWTR Failure to Conduct Source Water Monitoring (Initial or Second Round) Notice–
Template 2-9d
Stage 1 DBPR TTHM or HAA5 MCL Violation Notice–Template 2-10
Stage 2 DBPR TTHM or HAA5 MCL Violation Notice–Template 2-11
Filter Backwash Recycling Rule Treatment Technique Violation Notice–Template 2-12
Failure to Comply with the Conditions of an Exemption Notice – Template 2-13
Monitoring Violation Elevated to Tier 2 Notice – Template 2-14

Instructions for Chemical or Radiological MCLs Notice – Template 2-3

Template on Reverse

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for MCL violations; e.g., it may require you to provide water from an alternate source. Check with your agency to make sure you meet all requirements. **Use Template 2-4 for fluoride MCL violations.**

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (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 letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and you may not modify the mandatory health effects language (141.205(d)).

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. You can use one or more of the following actions, if appropriate, or develop your own:

- We are working with [local/state agency] to evaluate the water supply and are researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply.
- We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- We have increased the frequency that we will test the water for [contaminant].
- We have since taken samples at this location and had them tested. They show that we meet the standards.

Repeat Notices

If this is an ongoing violation and/or you fluctuate above and below the MCL, you should give the history behind the violation, including the source of contamination, if known. List the date of the initial detection, as well as how levels have changed over time. If levels are changing as a result of treatment, you can indicate this.

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 all public notification requirements within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

The Town of Manville Has Levels of Uranium Above Drinking Water Standards

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

We routinely monitor for the presence of drinking water contaminants. Testing results we received for the 2nd quarter of 2007, the 4th quarter of 2008, and the 2nd quarter of 2009 show that our system exceeded the standard, or maximum contaminant level (MCL), for uranium. The standard for uranium is 0.03 mg/L.

Note: We are advising you of the above, past results since we failed to do so previously. There has no change in the quality of the Town's water.

Our most recent test results received on _____ show that our system continues to exceed the MCL for uranium with a result of _____ mg/L.

What should I do?

- **You do not need to use an alternative (e.g., bottled) water supply.** However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing Uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity

What is being done?

_ We anticipate resolving the problem within _____

For more information, please contact Bruce Spencer at 307-334-2142 or P.O. Box 107, Manville, WY 82227.

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 Town of Manville. State Water System ID#:WY5600110. Date distributed: _____.