



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W

JUN 06 2011

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sublette County Commissioners
c/o Joel E. Bousman, Chair
POB 250
Pinedale, WY 82941

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Big Piney
PWS ID#5600007

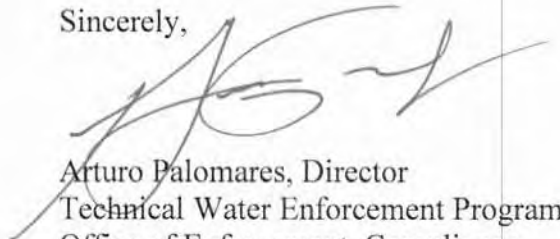
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area. An Administrative Order is being issued to the Town of Big Piney, Wyoming.

This Order requires that the Town of Big Piney take measure to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceeding the total coliform bacteria maximum contaminant level, failure to monitor for total coliform and triggered source water sampling, failure to provide timely public notice, and failure to report violations to EPA.

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 Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure



Printed on Recycled Paper



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 06 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Phillip Smith
Mayor, Town of Big Piney
P.O. Box 70
Big Piney, WY 83113

Re: Administrative Order
Town of Big Piney
Docket No. **SDWA-08-2011-0046**
PWS ID #WY5600007

Dear Mayor Smith:

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 Big Piney (the town) 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 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 Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from the town'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 Information Sheet

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 JUN -6 PM 12: 05

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

Docket No. SDWA-08-2011-0046

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 § 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 Big Piney (Respondent) is a municipality that owns and/or operates the Town of Big Piney Water System (the system), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of 5 wells.
4. The system has approximately 217 service connections used by year-round residents and/or regularly serves an average of approximately 410 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).

VIOLATIONS

6. If two or more samples collected in any month from the system’s water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of December of 2010, two or more samples from the system were positive for total coliform and, therefore, Respondent violated this requirement.
7. If the system has one or more sampling results that are positive for total coliform, Respondent is required to collect at least 5 routine samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system’s water tested positive for total coliform on September 2010 and October 2006, Respondent failed to take at least 5 routine samples of the system’s water in October 2010 and November 2006, respectively, and, therefore, violated this requirement.
8. Respondent is required to conduct triggered source monitoring requirements within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified on January 13, 2011, that a routine total coliform sample (collected pursuant to

40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement. Respondent completed the triggered source monitoring on March 16, 2011.

9. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the total coliform MCL violation cited in paragraph 6, above, within the required timeframe of no later than 30 days after the violation and, therefore, violated this requirement. Respondent provided public notice for the December 2010 violation on March 1, 2011.

10. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violation cited in paragraph 6, above, and, therefore, violated this requirement.

11. Respondent is required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify EPA of violations cited in paragraph 7, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any of the drinking water regulation to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 and 9, 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):

13. Respondent shall comply with the total coliform MCL. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

14. If any routine sample for the system is positive for total coliform, Respondent shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 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 of discovery, as required by 40 C.F.R. § 141.21(g)(2).

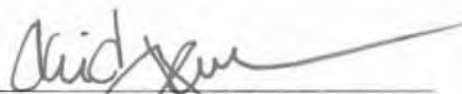
15. Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to EPA, Respondent shall specify that it is a triggered source water sample.
16. Following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.
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. 40 C.F.R. § 141.31(b).
18. 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

19. 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.
20. 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: _____, 20__.



Michael T. Risner, Director
David J. Janik, 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