



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

AUG 07 2014

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Johnson, President
Hyattville Service and Improvement District
P.O. Box 105
Hyattville, WY 82428

Re: Administrative Order issued to Hyattville Service and Improvement District Public Water System,
PWS ID #WY5600209, Docket No. SDWA-08-2014-0026

Dear Mr. Johnson:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) 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 Hyattville Service and Improvement District (District), as owner and/or operator of the Hyattville Service and Improvement District 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 pertinent information the District believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.)

If the District 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 request an informal conference with the 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 your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

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
Peggy Johnson, Hyattville Service and Improvement District (via email)



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Big Horn County Commissioners
c/o Jerold S. Ewen, Chairman
Big Horn County Courthouse
P.O. Box 31
Basin, WY 82410

Re: Notice of Safe Drinking Water Act Enforcement Action against Hyattville Service and Improvement District Public Water System, PWS ID # WY5600209


Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Hyattville Service and Improvement District which owns and/or operates the Hyattville Service and Improvement District Public Water System, located in Big Horn County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for nitrate, inorganic contaminants, volatile organic contaminants, pesticides, and radionuclides; failing to complete corrections to significant deficiencies; and failing to issue a Consumer Confidence Report.

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,



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

Enclosure:
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY -7 AM 10:49
REGION 8

IN THE MATTER OF:)
)
Hyattville Service and)
Improvement District,)
)
Respondent.)

Docket No.
SDWA-08-2014-0026

EPA REGION VIII
READING 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(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Hyattville Service and Improvement District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Hyattville Service and Improvement District 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 consisting of two wells. The System's water is not regularly treated.
4. The System has approximately 62 service connections used by year-round residents and/or regularly serves an average of approximately 66 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).

VIOLATIONS

6. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2013, and therefore, violated this requirement.
7. Respondent is required to monitor the System's water for volatile organic contaminants once every three years. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for volatile organic contaminants during 2013 for the 2011 – 2013 monitoring period, and therefore, violated this requirement.

8. Respondent is required to monitor the System's water for certain inorganic contaminants once every three years. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for inorganic contaminants during 2013 for the 2011 – 2013 monitoring period, and therefore, violated this requirement.

9. Respondent is required to monitor the System's water for synthetic organic (pesticide / herbicide) contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during 2013 for the 2011 – 2013 monitoring period, and, therefore, violated this requirement.

10. Respondent is required to monitor the System's water for certain radionuclides once every six years. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during 2013 for the 2008 – 2013 monitoring period, and, therefore, violated this requirement.

11. Respondent is required to complete corrective actions to correct significant deficiencies within 120 days of receiving written notification from the EPA of a significant deficiency, or according to a schedule approved by the EPA. 40 C.F.R. § 141.403(a)(5). Respondent is also required to notify the EPA of completion of corrective actions. 40 C.F.R. § 141.405(a)(2). The EPA approved schedule required completion of all corrective actions (i.e., completion of an emergency response plan), by August 31, 2011. Respondent did not advise the EPA of the completion of this plan until December 29, 2011, and, therefore, violated this requirement.

12. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for calendar years 2012 and 2013 to the System's customers and to the EPA by July 1, 2013 and July 1, 2014, respectively. Respondent also failed to provide a certification to the EPA for the CCR due by July 1, 2014 (but has until October 1, 2014, to certify the latter CCR). Therefore, Respondent violated these requirements.

13. 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 6 through 12, 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):

14. Within 30 days of receipt of this Order, Respondent shall monitor the System's water at sampling point SP01/WL01 for nitrate as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Note: Respondent sampled for nitrate at sampling point SP02/WL02 on May 13, 2014, but still needs to sample for nitrate at sampling point SP01/WL01. A sample must be collected from each sampling point during calendar year 2015 and thereafter per the Drinking Water Regulations.

15. Respondent shall monitor the System's water for volatile organic contaminants as required by the Drinking Water Regulations. Note: Respondent sampled for volatile organic contaminants on March 25, 2014. The next sample for volatile organic contaminants must be collected between January 1, 2017, and December 31, 2019. 40 C.F.R. § 141.24(f)(6).

16. Respondent shall monitor the System's water for inorganic contaminants as required by the Drinking Water Regulations. Note: Respondent sampled for inorganic contaminants on March 25, 2014. The next sample for volatile organic contaminants must be collected between January 1, 2017, and December 31, 2019. 40 C.F.R. § 141.23(a) and (c).

17. Respondent shall monitor the System's water for synthetic organic (pesticide / herbicide) contaminants as required by the Drinking Water Regulations. 40 C.F.R. § 141.24(h). Note: Respondent sampled for synthetic organic contaminants on March 25, 2014 and April 15, 2014. The next sample for synthetic organic contaminants must be collected between January 1, 2017, and December 31, 2019.

18. Respondent shall monitor the System's water for radionuclides as required by the Drinking Water Regulations. 40 C.F.R. § 141.26(a). Note: Respondent sampled for radionuclides on April 15, 2014. The next sample for radionuclides must be collected between January 1 and December 31, 2020.

19. If the EPA identifies significant deficiencies at the System while this Order is in effect, and thereafter, Respondent shall comply with the requirements for ground water systems with significant deficiencies, including the requirement to report to the EPA corrections of those significant deficiencies. 40 C.F.R. § 141.403 and 40 C.F.R. § 141.405(a)(2).

20. Within 30 days after receipt of this Order, Respondent shall prepare a CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System covering the calendar years 2012 and 2013 and distribute the report to the System's customers and the EPA. No later than one month thereafter, Respondent shall certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155. Note: The CCR

for calendar year 2013 was due by July 1, 2014.

21. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondent shall report each monitoring result to the 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 EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

22. 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.

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

24. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

25. 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

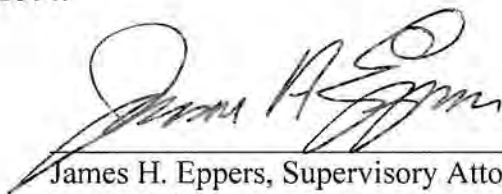
26. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

27. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents 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.

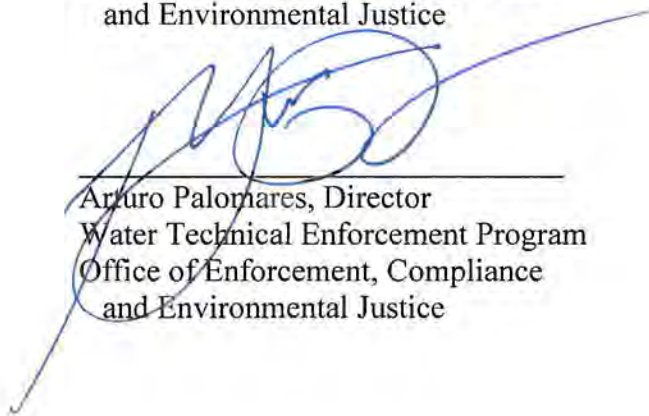
28. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

29. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: _____, 2014.



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



Arturo Palomares, 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, including workshops, training sessions, hotlines, websites and guides, 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.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

www.epa.gov/compliance/assistance/business.html

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

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's 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 or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

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

Emergency Planning and Community Right-To-Know Act

www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
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
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

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

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

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)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

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/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

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), or go to their website at www.sba.gov/ombudsman.

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.