



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
Wally Johnson, Chair
80 W. Flaming Gorge Way
Green River, WY 82935

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Wamsutter
PWS ID #WY 5600105

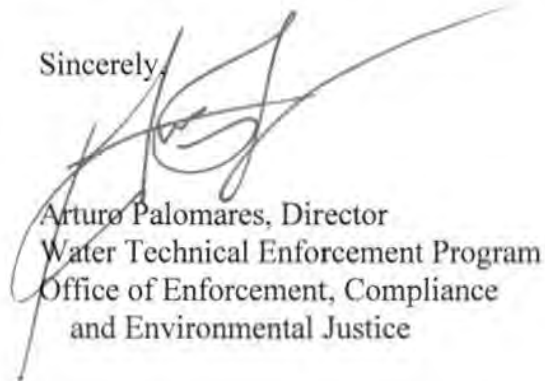
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the U.S. 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 Wamsutter (Town). This Order requires that the Town take measures to return the Town of Wamsutter public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for nitrate, failure to monitor the source water following a positive total coliform sample, exceeding the maximum contaminant level for total coliform and failure to report these violations to the 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 Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure
Order



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AUG 30 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Colleen Eifealtd
Town of Wamsutter
P.O. Box 6
Wamsutter, WY 82336

Re: Administrative Order
Town of Wamsutter Public Water System
Docket No. **SDWA-08-2012-0048**
PWS ID #WY5600105

Dear Mayor Eifealtd:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Town of Wamsutter (Town), as owner and/or operator of the Wamsutter Public Water System has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

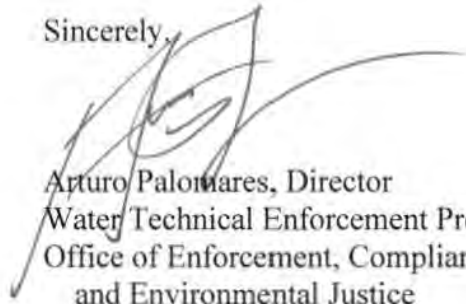
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If the Town 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.

To submit information or request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084 or (303) 312-6084. Any questions from your attorney(s) 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,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over the typed name and title.

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

Enclosures:

Order
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Garret Krall, Director of Public Works, Town of Wamsutter

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 AUG 30 AM 11:07

IN THE MATTER OF:)
)
Town of Wamsutter, Wy)
)
Respondent.)

Docket No. SDWA-08-2012-0048

FILED
REGION VIII
AUG 30 2012

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. Town of Wamsutter (Respondent) is a municipality that owns and/or operates the Town of Wamsutter (System) public water supply system, which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a ground water source consisting of three wells. The water is disinfected with sodium hypochlorite and sent to a storage tank before entering the distribution system. The System's water is not treated to at least a 4-log, or 99.99%, removal of viruses.
4. The System has approximately 125 service connections and/or regularly serves an average of approximately 750 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "community water system" as defined in 40 C.F.R. § 141.2.
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).
6. The Drinking Water Regulations include monitoring requirements. The 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 annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2011, and, therefore, violated this requirement.
8. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a) (2). During August 2010, two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement. Respondent is also required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the August 2010 MCL violation and, therefore, violated this requirement.

9. Respondent is required to conduct triggered source water monitoring 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 that the August 25, 2010 and August 26, 2010 routine samples (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) were positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated 40 C.F.R. § 141.402. Respondent collected source water samples on July 5, 2011 for the August 25, 2010 and August 26, 2010 total coliform positive samples.
10. 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 7 and 9, 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):

11. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a).
12. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a). If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).
13. Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402, including conducting triggered source water monitoring 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. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.
14. 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 a different time period for



reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report to the EPA within that different period.

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


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

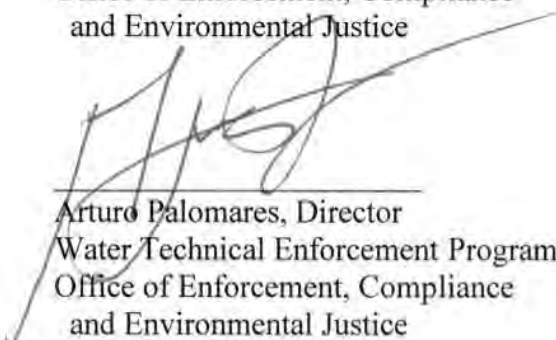
GENERAL PROVISIONS

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

17. 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: 8/30, 2012.


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

