



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUL 19 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Diane Humphrey, Chair
309 W. 20th Street
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Albin
PWS ID #WY5600189


Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States 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 Town of Albin, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform bacteria, exceeding the maximum contaminant level (MCL) for total coliform bacteria, failing to take triggered source water sampling within 24 hours, failing to provide public notice of violations, 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 this Order, please contact Shawn McCaffrey at (303) 312-6515.

Sincerely,



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

Enclosure
Order



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JUL 19 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Kelly Krakow
Mayor, Town of Albin
430 5th Avenue
Albin, WY 82050

Re: Administrative Order
Town of Albin
Public Water System
Docket No. **SDWA-08-2011-0050**
PWS ID #WY5600189

Dear Mayor Krakow:

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 the Town of Albin (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.

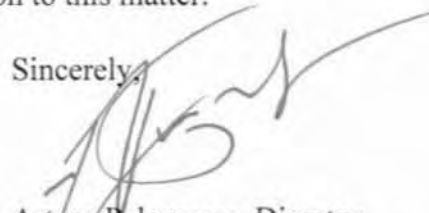
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

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

To submit information, or to request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the town's attorney should be directed to Peggy Livingston, Senior 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

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ/DOH (via email)
Wik Rooney, Town of Albin

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 JUL 19 AM 11:21

FILED
EPA REGION VIII
HEADQUARTERS CLERK

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

Docket No. **SDWA-08-2011-0050**

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. The Town of Albin (Respondent) is a municipality that owns and/or operates the Town of Albin Water System (the system), which provides piped water to the public in Laramie County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of 3 primary and 2 secondary wells which provide water that is chlorinated.

4. The system has approximately 83 service connections used by year-round residents and/or regularly serves an average of approximately 120 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. 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 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. 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 September 2007, and, therefore, violated this requirement.

9. 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 August 25, 2010 and December 7, 2010 that a routine 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. After notification of the December 7, 2010 total coliform positive result, Respondent completed the triggered source monitoring on December 20, 2010.

10. 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 violation cited in paragraph 7 and the December 2010 violation cited in paragraph 9 above, and, therefore, violated this requirement. Public notice for the December 2010 failure to collect a triggered source water sample cited in paragraph 9 is not yet overdue.

11. 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 7 above and, therefore, violated this requirement.

12. 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 the violation cited in paragraph 8 above, 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 a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 9 and 10 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 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).

15. 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 ten 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 ten days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

16. 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.

17. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7 and the December 2010 violation cited in paragraph 9 above, as required by 40 C.F.R. part 141, subpart Q. 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.

18. 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.

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

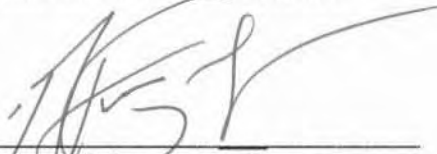
20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

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: July 19, 2011.



David Janik, Acting 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

Instructions for Resolved Total Coliform Notice –(Tier 2)

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level 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)). Check with the Division of Drinking Water to make sure you meet all the public notification requirements.

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

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

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

- X Posting in conspicuous locations for at least 7 days
- X Hand delivery
- X 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 leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We have increased sampling for coliform bacteria to catch the problem early if it recurs.
- X The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.

After Issuing the Notice

Make sure to send a copy of each type of notice along with a certification that you have met all the public notice requirements to EPA and your Primacy Agency within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in the Town of Albin's Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. In **December 2010** we took six samples to test for the presence of coliform bacteria and two of those samples showed the presence of total coliform bacteria.

The standard is that no more than 1 sample per month may do so.

What should I do?

- ☐ **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- ☐ People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

What happened? What was done?

For more information, please contact _____ at ___-___-____ 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 Albin**
Water System ID#: **WY5600189**

Date distributed: _____

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, 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 one week (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 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. Choose the appropriate language, or develop your own:

- X 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.
- X 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.]
- X We plan to take the required samples soon, as described in the last column of the table above.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for The Town of Albin

Our water system violated a drinking water standard over the past year. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

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. We failed to collect a source water sample following a TC positive within 24 hours in December 2010 as required by the Ground Water Rule.

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 previous years, how often we are supposed to sample for [this contaminant/these contaminants] 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	When all samples should have been taken	When samples were or will be taken
We failed to collect a source water sample following a TC positive result within 24 hours as required by the Ground Water Rule.	As needed following a TC positive result.	December 8, 2010	December 20, 2010

What happened? What is being done?

For more information, please contact [name and number of contact person] _____ or [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 Albin**
 State Water System ID#: **WY5600189**

Date distributed or dates posted: _____

After Issuing the Notice

Make sure to send EPA Region 8 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)).

Please send a copy of your notice and dates posted to:

Shawn McCaffrey
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ To _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____