



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

MAR 10 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Truman D. Julian, Chairman
Kemmerer-Diamondville Joint Powers Board
P.O. Box 1020
Kemmerer, Wyoming 83101

Re: Administrative Order issued to the Kemmerer-Diamondville Joint Powers Board,
PWS ID # 5600028, Docket No. **SDWA-08-2016-0006**

Dear Chairman Julian:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 Kemmerer-Diamondville Joint Powers Board (Board), as owner and/or operator of the Kemmerer-Diamondville Joint Powers Board 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 you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to treatment, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If the Board 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.

The Order requires the Board 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.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of the plan and schedule does not substitute for any other approval that may be required by any other governmental entity for

modifying the System. The EPA encourages the Board to contact any such governmental agency or agencies regarding any applicable approval requirements.

To submit information or request an informal conference with the EPA, please contact Olive Hofstader at hofstader.olive@epa.gov or the above address (with the mailcode 8ENF-W), or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Board's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at bearley.mia@epa.gov or 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

Public Notice Template

cc: Mr. Marcus Rosas, Chief Operator (via email)
Mr. Gary Hutchinson, Public Works Director (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk



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MAR 10 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lincoln County Commissioners
c/o Jerry Harmon, Chairman
925 Sage Avenue, Suite 302
Kemmerer, Wyoming 83101

Re: Notice of Safe Drinking Water Act Enforcement Action against the Kemmerer-Diamondville Joint Powers Board Public Water System, PWS ID # 5600028

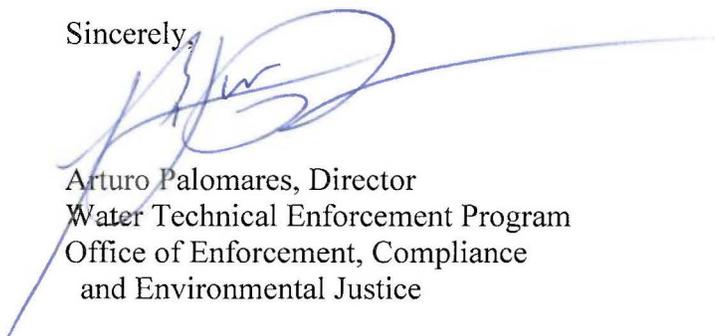
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Kemmerer-Diamondville Joint Powers Board, which owns the Kemmerer-Diamondville Joint Powers Board Public Water System, located in Lincoln County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for total trihalomethanes, failing to monitor the residual disinfectant level in the System's distribution system, failing to notify the public of certain violations, and failing to report certain violations to the 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 Olive Hofstader at (303) 312-6467.

Sincerely,



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

Enclosure:
Administrative Order



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2016 MAR 10 AM 10: 53

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
)
Kemmerer-Diamondville Joint Powers Board,)
)
)

Respondent.)

Docket No. **SDWA-08-2016-0006**
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 Kemmerer-Diamondville Joint Powers Board (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Kemmerer-Diamondville Joint Powers Board Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a surface water source. Treatment includes coagulation, flocculation, sedimentation, membrane filtration, and disinfection utilizing sodium hypochlorite.
4. Respondent is required to monitor disinfection byproducts in accordance with the System's IDSE Report dated August 17, 2010, pursuant to 40 C.F.R. § 141.601(c).
5. The System has approximately 1440 service connections used by year-round residents and/or regularly serves an average of approximately 3367 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.
6. 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).
7. 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

8. The Maximum Contaminant Level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/l), based on a locational running annual average (LRAA) of four consecutive quarterly TTHM samples. 40 C.F.R. §§ 141.64 and 141.620. The LRAA of TTHM samples at sampling location S2-Crank CO exceeded 0.080 mg/l during the 3rd quarter of 2015 (from the fourth quarter 2014 to the third quarter 2015) and the 4th quarter 2015 (from the first quarter 2015 to the fourth quarter 2015) and, therefore, Respondent violated the TTHM MCL.

9. Respondent is required to monitor the residual disinfectant level in the System's distribution system at the same time and place as total coliforms are to be sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent is required to report the results to the EPA within 10 days after the end of each monitoring period in which samples were collected. 40 C.F.R. § 141.134. Respondent failed to report its May 3, 2011, sample results for residual disinfectant to the EPA within this time period and, therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the TTHM MCL violations for the 4th quarter of 2015, cited in paragraph 8, above, and, therefore, violated this requirement.

11. 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 8, 9 and 10, 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):

12. Within 90 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule to bring the System into and maintain compliance with the TTHM MCL as identified in 40 C.F.R. § 141.64. The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within one year of the project completion date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.

13. The schedule required by paragraph 12, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

14. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 12, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM 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 schedule required by paragraph 12, above, Respondent shall notify the EPA of the project's completion.



16. The System shall achieve compliance with the TTHM MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

17. Respondent shall report residual disinfectant sample results required by 40 C.F.R. § 141.132(c)(1) to the EPA, as required by 40 C.F.R. § 141.134.

18. Within 30 days after receipt of this Order, Respondent shall notify the public of the 4th quarter violations cited in paragraph 8, above. 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 the EPA.

19. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

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

21. 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.

22. Respondent shall send all reporting and notifications required by this Order in writing to:

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



GENERAL PROVISIONS

23. 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.
24. 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.
25. 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).
26. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: March 10, 2016.

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

[Signature]
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 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.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway 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

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

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

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

Clean Air Technology Center (CATC) Info-line

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

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.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/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

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

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

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.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

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

www2.epa.gov/enforcement/small-businesses-and-enforcement

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

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

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).

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.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

K-D Water & Wastewater Joint Powers Has Levels of Disinfection Byproducts (DBPs) 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 are doing to correct this situation.

We are required to monitor your drinking water for the presence of disinfection byproducts (DBPs) on a quarterly basis. The DBPs test results from the last four (4) quarters that ended on 12/31/2015 show that our system exceeds the standards, or maximum contaminant level (Month/Date/Year) (MCL) for total trihalomethanes (TTHM). MCL for TTHM is calculated based on locational running annual averages (LRAA) of samples collected from the last four (4) quarters. The LRAA of TTHM at S2 Crank Co. is at 0.0826 mg/L. This value exceeds the respective (location) MCLs for TTHM of 0.080 mg/L.

What should I do?

At this time, **no** alternative source of water is necessary. However, if you have any specific health concerns, consult your doctor.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Some people who drink water containing TTHM in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

What Happened? What is being done?

When disinfectants are used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form DBPs. We are taking/have taken the following corrective actions: _____

We anticipate resolving the problem within _____ (Estimated time frame)

If you have any questions, please contact _____ at _____, (Name of water system contact) (Phone number)

or _____ (Mailing address of PWS contact)

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.

Date distributed: _____

Public Water System ID# WY560028

ATTENTION: PWS Operator/Responsible Party

Tier 2 public notice (PN) must be provided as soon as practical, but no later than 30 days after you learn of the violation (141.203(b)). The PN must remain in place for as long as the violation or situation persists, but in no case for less than seven days. The PN must be repeated every three months as long as the violation or situation persists.

Community systems must use one of the following methods of delivery (141.203(c)(1)):

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

Non-community systems must use one of the following methods of delivery (141.203(c)(2)):

- 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, email, 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 (141.203(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

PN RULE MANAGER
 US EPA REGION 8
 PUBLIC WATER SYSTEM PROGRAM - 8P-W-DW
 1595 Wynkoop Street
 DENVER CO 80202-2466

Or, you can fax a copy toll-free to **1-(877) 876-9101**.

Certification of Public Notification

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

from _____ to _____
(Date) (Date)

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

Signature _____ Date _____