



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

JAN - 9 2013

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Terry Weickum, Chair
P.O. Box 6
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against Sinclair
Wyoming Refining Company
PWS ID# WY5601550

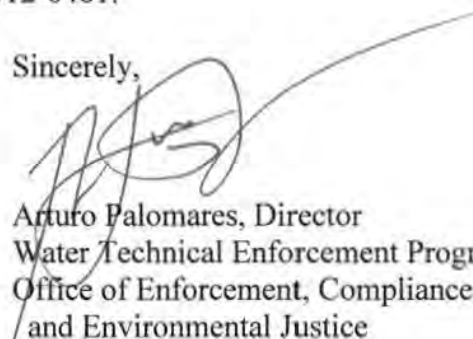
Dear Commissioners:

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 Sinclair Wyoming Refining Company (Sinclair). This Order requires that Sinclair, as owner and/or operator of the Sinclair public water system (System), take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for total coliform bacteria and turbidity, failure to maintain an adequate residual disinfectant level, late reporting of surface water treatment operation measurements to EPA, and failure to notify the public and the EPA of the violations.

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
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



Printed on Recycled Paper



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REGION 8

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JAN - 9 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Corporation Service Company, Registered Agent
Sinclair Wyoming Refining Company
1821 Logan Avenue
Cheyenne, WY 82001

Re: Administrative Order
Sinclair Wyoming Refining
Company Public Water System
Docket No. **SDWA-08-2013-0007**
PWS ID #WY5601550

Dear Corporation Service Company:

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 Sinclair Wyoming Refining Company (Sinclair), as owner and/or operator of the Sinclair Wyoming Refining Company water 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 information you believe the EPA may not have.

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.


If Sinclair 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 Order requires Sinclair 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 the 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 Sinclair's attorney should be directed to Peggy Livingston, 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: John Moore, Sinclair WY Refining Company
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JAN -9 AM 9:04

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
Sinclair Wyoming Refining Company,)
)
Respondent.)

Docket No. SDWA-08-2013-0007

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. Sinclair Wyoming Refining Company (Respondent) is a Wyoming corporation that owns and/or operates the Sinclair Wyoming Refining Company Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System has approximately 10 service connections and/or regularly serves an average of approximately 130 individuals daily at least 60 days out of the year. Approximately seven of these individuals are year-round residents, and approximately five of these connections are homes that are served year-round. The remaining individuals are served seasonally, from approximately March to September, when a golf course that is served by the System is open. 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 "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
4. The System is supplied by the North Platte River, a surface water source. The System's water is treated by pre-treatment, microfiltration and disinfection. Bag filtration is used for five homes when the golf course is closed.
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 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 June 2012, and, therefore, violated this requirement. The laboratory analytical results for a sample collected by Respondent on June 30, 2012, were reported as "not tested" and a replacement sample was not submitted.
7. Respondent is required to report surface water treatment operation measurements (turbidity, membrane integrity, and chlorine residual, which are typically reported concurrently to the EPA) monthly to the EPA no later than 10 days after the end of each month. See 40 C.F.R.

§§ 141.75 (b) and 141.570, regarding reporting turbidity measurements, 40 C.F.R. § 141.721(f), regarding reporting membrane integrity testing, and 40 C.F.R. § 141.75(b), regarding reporting residual chlorine measurements. Respondent failed to report results for these parameters for April, May, and June 2012 to the EPA until July 23, 2012, and, therefore, violated these requirements.

8. Respondent is required to monitor the System's filtered water for turbidity at least every four hours that the System serves water. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the System's water for turbidity every four hours on June 9, 10, 12, and 13, 2009, and, therefore, violated this requirement.

9. Respondent is required to maintain a residual disinfectant level in the water entering the System's distribution system. This level may not be less than 0.2 milligrams per liter (mg/l) for any period of more than four hours. 40 C.F.R. § 141.72(b)(2). On May 30, and 31, 2009, the residual disinfectant level in the System was less than 0.2 mg/l for four hours or longer. Therefore, Respondent violated this requirement.

10. Respondent is required to report to the EPA as soon as possible, but no later than the end of the next business day (1) any time the residual disinfectant in the water entering the System's distribution system falls below 0.2 mg/l, and (2) whether the residual was restored to 0.2 mg/l within four hours. 40 C.F.R. § 141.75(b)(3)(iii). Respondent failed to timely report to the EPA (1) that on May 28, 30, and 31, 2009, the residual fell below 0.2 mg/l, and (2) whether the residual was restored within four hours, and, therefore, violated this requirement.

11. 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 violations cited in paragraph 8 and, therefore, violated this requirement. Public notice for violation cited in paragraph 6 is required to be completed within one year of the violation and is, therefore, not overdue at this time.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 6, above, to the EPA and, therefore, violated this requirement.

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 7 and 8, 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. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).
15. Respondent shall report surface water treatment operation measurements (turbidity, membrane integrity, and chlorine residual) monthly to the EPA no later than 10 days after the end of each month as required by 40 C.F.R. §§ 141.75 (b), 141.570, and 141.721(f).
16. At least once every four hours that the System provides water to the public, Respondent shall monitor the System's filtered water for turbidity as required by 40 C.F.R. § 141.74(c)(1).
17. Respondent shall ensure that the residual disinfectant concentration in water entering the System's distribution system be at least 0.2 mg/l for every 4-hour period, as required by 40 C.F.R. § 141.72.
18. If the residual disinfectant level in water entering the System's distribution system falls below 0.2 mg/l at any time, Respondent shall, no later than the end of the next business day, notify the EPA that this has occurred and include in this notification a statement of whether the residual level of 0.2 mg/l was restored within four hours as required by 40 C.F.R. § 141.75(b)(3)(iii).
19. 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.
20. Within 30 days of receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 6 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. 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.
21. 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

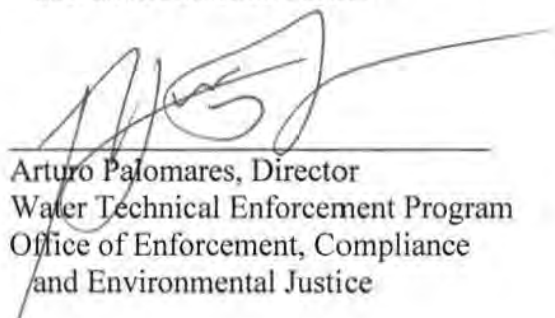
GENERAL PROVISIONS

22. 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.

23. 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: 01/09, 2013.

Margaret G. (Peggy) Livingston, Attorney
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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

SINCLAIR WYOMING REFINING COMPANY

DRINKING WATER MONITORING/REPORTING REQUIREMENTS NOT MET IN 2012 and 2009

We are required to monitor the 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. During 2012 we did not complete all monitoring or testing for total coliform and in 2009 we did not complete all monitoring or testing for turbidity and therefore cannot be sure of the quality of our drinking water during that time.

We also failed to report surface water treatment operation measurements (turbidity, membrane integrity, and chlorine residual) to EPA within 10 days after the end of each month: results for April, May, and June 2012 were not submitted until July 23, 2012.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Total coliform bacteria	Monthly	0	June 2012	All other months
Turbidity	Every 4 hours	0	June 9, 10, 12, 13, 2009	All other times

What happened? What is being done?

Will sample as required in the future; will sample total coliform early in the month so if a sample cannot be analyzed we will have time to collect and submit a replacement sample. Call John Moore at (307) 328-3534 if you have questions.

Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to: EPA 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from _____ to _____

Signature _____

Instructions for Monitoring Violations Annual Notice--Template

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:

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

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice