UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

SEP - 7 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Terry Cram, Chairman
224 South Main
Suite B-1
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Thunder Child Treatment Center
Public Water System
PWS ID#5601551

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (Act), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the Act.

An Administrative Order is being issued under Section 1414 of the Act to the Intertribal Addictions Recovery Organization, owners of the Thunder Child Treatment Center water system located in Sheridan, Wyoming. This Order requires that the public water system take measures to return to compliance with the Act and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 Code of Federal Regulations (C.F.R.) §§ 141.21(a), 141.21(b), 141.21(b)(5), 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for total coliform bacteria, failure to collect a set of repeat samples following a total coliform positive routine sample, failure to collect 5 routine samples after a total coliform positive sample in the preceding month, failure to notify the public of the violations, and failure to notify EPA of the violations.

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 Kimberly Pardue Welch at (303) 312-6983.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Administrative Order

Printed on Recycled Paper

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Ref: 8ENF-W

SEP - 7 2007

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Janice C. Feaster, Registered Agent
Intertribal Addictions Recovery Organization
Thunder Child Treatment Center
1000 Decker Road
Sheridan, WY 82801

Re: Administrative Order
Docket No. **SDWA-08-2007-0081**
The Thunder Child Treatment Center
Public Water System
PWS ID #WY5601551

Dear Ms. Feaster:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f, et seq., and its implementing regulations. Among other things, the Order finds that as owner of the Thunder Child Treatment Center Water System (the System), Intertribal Addictions Recovery Organization (Respondent), is a supplier of water as defined by the Act and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 Code of Federal Regulations (C.F.R.) §§ 141.21(a), 141.21(b), 141.21(b)(5), 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for total coliform bacteria, failure to collect a set of repeat samples following a total coliform positive routine sample, failure to collect 5 routine samples after a total coliform positive sample in the preceding month, failure to notify the public of the violations, failure to notify EPA of the violations.

If the Thunder Child Treatment Center water system complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to $32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

The NPDWRs require the Thunder Child Treatment Center to provide a public notification of violations of the Act. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or

comments concerning the form of public notice, please do not hesitate to contact Kimberly Pardue Welch of EPA, whose telephone number is provided below.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you wish to have an informal conference with EPA, you may also call or write Ms. Pardue Welch. If you are represented by an attorney or have legal questions, please call Amy Swanson at the above 800 number, extension 6906, or at (303) 312- 6906.

We urge your prompt attention to this matter.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Administrative Order
Public Notice template
SBREFA fact sheet

cc: George Littlehead, Thunder Child Treatment Center
WY DEQ (via email)
WY DOH (via email)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 SEP -7 AM 9:28

IN THE MATTER OF	)	
	)	
Intertribal Addictions Recovery Organization	)	
Thunder Child Treatment Center	)	
Sheridan, WY	)	
Respondent	)	
	)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	Docket No. **SDWA_08-2007-0081**
	)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Intertribal Addictions Recovery Organization (Respondent) is a non-profit corporation under the laws of the State of Wyoming, and therefore is a "person" within the meaning of 40 C.F.R. § 141.2.

2. Respondent owns and/or operates a system, the Thunder Child Treatment Center Water System (the System), located in Sheridan County, Wyoming for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42

U.S.C. § 300f (4), and a "transient, non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates the System and therefore is a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. §141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.

5. According to an August 2, 2005 sanitary survey by Ms. Diane Monahan, a representative of the EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well operating since about 1995, which serves approximately 40 persons per day through 1 service connection and is in operation year-round.

FINDINGS OF VIOLATION

I

1. 40 C.F.R. § 141.21(a) requires non-community public water systems to monitor the water at least once per quarter that the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63(a)(2).

2. Respondent failed to monitor the water for contamination by total coliform bacteria during the 3rd (July – September) quarter in 2004, 1st (January – March) quarter 2007, and 2nd (April – June) quarter 2007, in violation of 40 C.F.R. § 141.21(a).

II

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.

2. Respondent failed to collect a set of repeat samples for the November 2006 total coliform positive routine sample, in violation of 40 C.F.R. § 141.21(b).

III

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondent failed to collect at least 5 routine samples after the November 2006 total coliform positive sample, in violation of 40 C.F.R. § 141.21(b)(5).

IV

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21(a) to report the violation to EPA within ten days after the system discovers the violation.

2. Respondent failed to report to EPA the noncompliance detailed in Sections I - III above, in violation of 40 C.F.R. § 141.21(g)(2).

V

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation (NPDWR) violations, including violations of the MCL, maximum residual disinfection level

(MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent has not provided public notice of the 2004 violation detailed in the preceding Section I, in violation of 40 C.F.R. § 141.201. Public notice for the 2006 and 2007 violations shown in Sections I through III are not yet overdue.

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63(a)(2). Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken

anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

5. Within 30 days from the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation, Section I in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous

locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists.

6. Reporting requirements specified in this Order shall be provided by certified mail to:

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

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to $27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than $32,500 per day of violation

assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than $32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 7th day of September, 2007.

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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