



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

DEC 8 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Niobrara County Commissioners  
c/o Richard A. Ladwig, Chairman  
P.O. Box 1238  
Lusk, WY 82225

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Lance Creek Water and Sewer District  
PWS ID #WY5600109

Dear County 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.

A second Administrative Order is being issued to Lance Creek Water and Sewer District, located in Lance Creek, Wyoming. This Order requires that Lance Creek Water and Sewer District take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The violations include: exceeding the total coliform maximum contaminant level (MCL) and failing to provide public notice 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor".

Darcy O'Connor, Acting Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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DEC 8 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Wyllie McGuire, Chairman  
Lance Creek Water and Sewer District  
795 V-5 Hilltop Road  
Lance Creek, Wyoming 82222

Re: Administrative Order  
Docket No. **SDWA-08-2010-0006**  
Lance Creek Water and Sewer  
District  
PWS ID #WY5600109

Dear Mr. McGuire:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that the Lance Creek Water and Sewer District (the district) has violated the National Primary Drinking Water Regulations (drinking water regulations). EPA issued a separate Order to the district on June 9, 2008, Docket No. SDWA-08-2008-0064. That Order remains in full force and effect.

This 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 district 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 Order requires the district to notify the public of having violated the drinking water regulations. The requirement to complete public notice can easily be accomplished with the assistance of the automated system available at the [www.pniwriter.org](http://www.pniwriter.org) website. Alternatively, upon request, EPA will mail the district paper copies of forms and instructions for providing public notice.

To submit information or 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 district'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,



Darcy O'Connor, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order

cc: WY DEQ (via email)  
WY DOH (via email)  
Brad Kant, Operator, Lance Creek Water and Sewer District

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 DEC -8 AM 8:26

IN THE MATTER OF:	)	
	)	Docket No. <del>SDWA-08-2010-0006</del>
Lance Creek Water and Sewer District,	)	
	)	ADMINISTRATIVE ORDER
Respondent.	)	

FILED  
EPA REGION VIII  
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
  
2. Lance Creek Water and Sewer District (Respondent) is a municipality under Wyoming law that owns and/or operates the Lance Creek Water and Sewer District Water System (the system), which provides piped water to the public in Niobrara County, Wyoming, for human consumption.
  
3. The system is supplied by a ground water source consisting of two wells, and is treated by chlorination.
  
4. The system has approximately 24 service connections used by year-round residents and/or regularly serves at least 35 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).

VIOLATIONS

6. 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 each of the months of July, August, and September of 2009, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

7. Respondent is required to report any total coliform MCL violation to EPA no later than the end of the first business day after learning of the violation. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations listed in paragraph 6, above, and, therefore, violated this requirement.

8. 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 violations listed in paragraph 6, above, 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):

9. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

10. Within 30 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.



11. The plan and schedule required by paragraph 10, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.
12. Within 10 days of completing all tasks included in the plan and schedule required by paragraph 10, above, Respondent shall notify EPA of the project's completion.
13. Respondent must achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than 6 months after receiving EPA's approval of the plan and schedule required by paragraph 10 above, whichever is earliest. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.
14. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraph 6, above, as required by 40 C.F.R. part 141, subpart Q.
15. Respondent shall direct all reporting required by this Order to:

Shawn McCaffrey  
U.S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

### **GENERAL PROVISIONS**

16. This Order does 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.

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: December 8, 2009.

David Rochlin

David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Darcy O'Connor

Darcy O'Connor, Acting Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

