



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUN - 9 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

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

Re: Administrative Order
Docket No. SDWA-08-2008-0064
Lance Creek Water and Sewer District
PWS ID #WY5600109

Dear Mr. McGuire:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how the Lance Creek Water and Sewer District violated the National Primary 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 Lance Creek Water and Sewer District complies with the Order for at least twelve months, 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.

This Order includes violations of the Total Coliform Rule and Disinfection Byproducts Rule from 2004. EPA recognizes that the Lance Creek Water and Sewer District has been in compliance with these rules from 2004 to the present.

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. For legal questions, the attorney assigned to this matter is Jean Belille, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, 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



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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#5600109

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.

An 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: failure to monitor for total coliform, chlorine, arsenic, and organic contaminants (2005-2007).

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,

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

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008

<u>IN THE MATTER OF</u>)	
)	
Lance Creek Water and Sewer District)	
Lance Creek, Wyoming 82222)	ADMINISTRATIVE ORDER
)	
<u>Respondent</u>)	Docket No. SDWA-08-2008-0064

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Lance Creek Water and Sewer District (Respondent) is an association that owns and/or operates the Lance Creek Water and Sewer District Water System (the System) in Niobrara County, Wyoming, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of two wells, is treated by chlorination, and serves approximately 35 people through 24 service connections all year. The System is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. § 141.

VIOLATIONS

3. Respondent monitored the System's water for arsenic on September 5, 2007, and the result of 0.031 mg/l, exceeded the arsenic maximum contaminant level (MCL) of 0.01 mg/L. 40 C.F.R. § 141.62(b). Beginning the quarter following the MCL exceedance, Respondent was required to monitor the System's water quarterly to determine if the running annual average of quarterly samples exceeded the arsenic MCL. 40 C.F.R. §§ 141.23(c)(7) and 141.23(i)(1). Respondent failed to monitor for arsenic during 4th (October – December) quarter of 2007 and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water once every three years to determine compliance with the maximum contaminant level (MCL) for volatile organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(f). Respondent sampled the water for contamination of volatile organic contaminants in February 2008, but failed to sample during the period January 2005 through December 2007 and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for pesticide/herbicide organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(h). Respondent sampled the water for contamination of pesticide/herbicide organic contaminants in February 2008, but failed to sample during the period January 2005 through December 2007 and, therefore, violated this requirement.

6. Respondent is required to monitor the System's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during February 2004 and, therefore, violated this requirement.

7. Respondent is required to monitor the chlorine residual in the distribution system at the same time and same location as the System's monthly total coliform samples. 40 C.F.R. § 141.132(c)(1)(i). Respondent failed to monitor for chlorine in February 2004 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 violation listed in paragraph 7 above and therefore violated this requirement. Public notice for failure to monitor arsenic, volatile organic contaminants, and pesticide/herbicide organic contaminants are not yet overdue.

9. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violation listed in paragraph 6 above and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraph 9 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 3, 4, 5, 7, and 8 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

11. Prior to June 30, 2008 and during each subsequent calendar quarter until a different sampling frequency is determined by EPA, and per the regulations thereafter, Respondent shall monitor for arsenic. 40 C.F.R. § 141.23. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Respondent shall report any violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

12. If the results of Respondent's sampling results for arsenic during the 2nd quarter (April through June) of 2008 cause the running annual average, based on samples collected in September 2007, March 2008, and 2nd quarter 2008, to exceed the arsenic MCL, prior to November 1, 2008, Respondent shall provide EPA with a compliance plan and schedule for the System to come into compliance with the arsenic MCL. 40 C.F.R. § 141.62(b). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the arsenic MCL. The proposed schedule shall include specific milestone dates, a final compliance date (to be within 18 months from the date of EPA's approval of the plan). The plan and schedule must be approved by EPA before construction or modifications can commence. 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 can be made to the System.

13. The plan and schedule required by paragraph 12, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

14. Within 90 days of receiving EPA's approval of the plan and schedule required by paragraph 12, above, Respondent shall submit to EPA quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. § 141.62(b). Each quarterly report is due by the 10th day of the month following the end of each calendar quarter.

15. Respondent must achieve and maintain compliance with 40 C.F.R. § 141.62(b) by the final date specified in the approved plan, or no later than 18 months after receiving EPA's approval of the plan and schedule required by paragraph 12, above, whichever is earliest. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

16. Upon receipt of this Order, Respondent shall monitor for volatile organic contaminants per the regulations. 40 C.F.R. § 141.24(f). Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

17. Upon receipt of this Order, Respondent shall monitor for pesticide/herbicide contamination per the regulations. 40 C.F.R. § 141.24(h). Respondent shall report any analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

18. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

19. Upon receipt of this Order, Respondent shall monitor the chlorine residual in the distribution system at the same time and same location as the System's monthly total coliform samples and report the results to EPA as required by the drinking water regulations. 40 C.F.R. §§ 141.132(c)(1)(i) and 141.134 (c)(1).

20. Within 30 days of this Order, the Respondent must provide notice of the violations in paragraphs 3, 4, 5, and 7 of this Order. 40 C.F.R. § § 141.201, 141.203, and 141.205. 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). Respondent shall notify the public of these and any future violations by 1.) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; and 2.) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. 40 C.F.R. § 141.201 et seq.

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

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

GENERAL PROVISIONS

22. 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.

23. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

6/6/08
Date

David J. Janik
David J. Janik, Acting Director
Matthew Cohn, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

6/5/08
Date

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