



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 JAN 27 AM 10:01

Ref: ENF-W

JAN 27 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Administrative Order Addendum
Docket No. SDWA-08-2008-0064
PWS ID #WY5600109

Dear Mr. McGuire:

This letter is an addendum to the Administrative Order (AO) that EPA issued to the Lance Creek Water and Sewer District (the District) on June 9, 2008.

As you are aware, the AO required the District to submit detailed plans to EPA for bringing the District's public water system into compliance with the arsenic maximum contaminant level (MCL). This requirement was triggered because the District's June 23, 2008, arsenic sample, together with prior samples mentioned in the Order, caused the running annual average arsenic level to be 0.022 milligrams per liter (mg/L), above the 0.010 mg/L MCL for arsenic. Accordingly, as required by paragraph 12 of the AO, the District submitted a compliance plan to EPA.

By this letter, EPA approves the District's compliance plan, as received by EPA on November 21, 2008, and clarified in a December 11, 2008, email from Brad P. Kant to Shawn McCaffrey of EPA Region 8. Pursuant to paragraph 13 of the AO, the compliance plan is now an enforceable requirement of the AO.

The schedule on the following page lists the actions to be taken as set forth in the District's compliance plan. Each deadline is now an enforceable part of the AO. The table indicates that the District already has completed some required actions. The completion dates are based on what representatives of the District have told EPA and have not been independently verified.

<u>Action</u>	<u>Deadline</u>	<u>Completion</u>
Submit first application to Wyoming Water Development Commission (WWDC) for possible Phase 1 funding.	August 15, 2008	August 15, 2008
Meet with WWDC representative to review application.	September 30, 2008	September 10, 2008
Obtain preliminary WWDC funding approval.	November 30, 2008	November 6, 2008
Obtain final approval of WWDC funding.	December 30, 2008	December 30, 2008
Submit additional application paperwork to WWDC.	March 31, 2009	
If project approved, begin Phase 1: 1. Feasibility study of all options available to solve the arsenic level problem. <ul style="list-style-type: none"> • Well drilling. • Small treatment plant at well site. • Point of use filtration. 2. Storage replacement options. 3. Additional chlorination site options.	June 30, 2009	
Submit WWDC funding application to implement chosen option.	August 30, 2009	
Complete Phase 1 of the project and notify EPA of chosen option.	March 31, 2010	
Begin Phase 2 of the project to implement chosen option.	June 30, 2010, or within 30 days of EPA's approval of the chosen option, whichever is later	
Complete chosen option and achieve compliance with the arsenic MCL.	March 31, 2011	

The District must also notify EPA of when each action required by this Addendum has been completed.

Please be advised that paragraph 11 of the AO requires the District to sample quarterly for arsenic until a different sampling frequency is determined by EPA. As a reminder, the District is required to complete the arsenic MCL public notice requirements every three months until compliance with the arsenic MCL is achieved. Also, as required in paragraph 14 of the AO, beginning 90 days after receiving this letter, the District will be required to submit quarterly reports to EPA on the progress made toward bringing the System into compliance with the arsenic MCL.

Note also that once the results of the feasibility study are available, the District will be required to submit a plan and schedule to EPA for Phase 2 of the project. After approval by EPA, the Phase 2 plan and schedule will be incorporated into the AO with another Addendum.

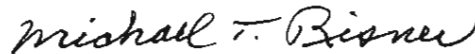
Please be advised that the District is required to comply with all provisions of the AO. Penalties for failing to comply are set forth in the Order. In addition, since the Order was issued, 40 C.F.R. part 19 has been revised to increase penalties for noncompliance. After January 12, 2009, for noncompliance with the Order, the drinking water regulations cited in the Order, or certain provisions of the Safe Drinking Water Act, penalties may be up to \$37,500 for each day in which a violation occurs. See 40 C.F.R. part 19, as amended at 74 Fed. Reg. 626-629 (January 7, 2009).

Please contact Shawn McCaffrey at (800) 227-8917, extension 6515, or (303) 312-6515, if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



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



Michael T. Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: WY DEQ (via email)
WY DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Brad Kant, Operator, Lance Creek Water and Sewer District