



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

Ref: 8ENF-W

APR 20 2010

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Roy Edwards, Chairman  
500 South Gillette Ave.  
Suite #1100  
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Campbell County School District  
Recluse School Public Water System  
PWS ID# WY5601057

Dear 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.

EPA has issued an Administrative Order (Order) to the Campbell County School District, located in Gillette, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor the water for lead and copper contamination and failing to report those violations to EPA.

For more details, a copy of the Order is enclosed. **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  
Order



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

APR 20 2010

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Campbell County School District  
Richard Strahorn, Superintendent  
1000 West 8<sup>th</sup> Street  
P.O. Box 3033  
Gillette, Wyoming 82717-3033

Re: Administrative Order  
Docket No. **SDWA-08-2010-0036**  
Recluse School  
Public Water System  
PWS ID# WY5601057

Dear Mr. Strahorn:

Enclosed is an Administrative Order (Order) issued by the United States 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 alleges that the Campbell County School District has violated the National Primary Drinking Water Regulations (the 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 Campbell County School 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.

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 Marc Weiner, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darcy O'Connor', with a long horizontal flourish extending to the right.

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

Enclosures  
Order

cc: David Fall, Chairman  
Andy Mravlja, Operator  
Tina Artemis, EPA Regional Hearing Clerk  
Wyoming DEQ (via email)  
Wyoming DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 APR 20 PM 3: 39

FILED  
EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
Campbell County School )  
District #1, )  
 )  
Respondent. )

Docket No. SDWA-08-2010-0036

ADMINISTRATIVE ORDER

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. Campbell County School District # 1 (Respondent) is a "body corporate" under Wyoming law, and therefore a "person" as that term is defined in § 1401(12) of the Act and 40 C.F.R. § 141.2., that owns and/or operates the Recluse Elementary School Water System (the system), which provides piped water to the public in Campbell County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of one well which is treated with chlorination.

4. The system has 1 service connection and/or regularly serves an average of at least 50 of the same individuals daily for at least 6 months out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2.

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).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

7. Respondent sampled for lead and copper on December 2, 2008. With the results of that sampling, the Respondent exceeded the lead action level. As a result of that exceedance, the Respondent was required to: have samples analyzed for water quality parameters (WQP), collect source water samples, submit an optimal corrosion control treatment (OCCT) recommendation, conduct public notice, and distribute public education. EPA acknowledges that the Respondent has had samples analyzed for WQPs, collected source water samples, changed valves suspected of causing high lead levels, conducted public notice, and distributed public education.

#### VIOLATIONS

8. Respondent is required to monitor the system's tap water for lead and copper during consecutive 6-month monitoring periods, collecting 5 samples in each period. 40 C.F.R. §§ 141.86(c) and (d). Respondent failed to collect 5 samples when monitoring the system's water for lead and copper between January 1, 2008 and June 30, 2008, and, therefore, violated this requirement. EPA acknowledges that Respondent did collect one of five required lead and copper samples on June 25, 2008.

9. Any system which exceeds the lead or copper action level at the tap is required to monitor for lead and copper during consecutive 6 month periods. 40 C.F.R. § 141.86(d)(4). Respondent failed to monitor for lead and copper during consecutive 6 month periods beginning January 1, 2009 following a lead action level exceedance on December 2, 2008, and, therefore, violated this requirement. EPA acknowledges the Respondent did collect one of five required lead and copper samples on September 22, 2009, and collected five samples on March 3, 2010.

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

11. Respondent shall monitor the system's water for lead and copper between July 1, 2010 and December 31, 2010 collecting 5 samples as required by 40 C.F.R. § 141.86(b), (c) and (d).
12. If the results of the sampling required in paragraph 11 above are below the lead action level, the Respondent shall monitor as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d).
13. If the results of the sampling required in paragraph 11 above are above the lead action level, the Respondent shall submit an enhanced OCCT recommendation to EPA. 40 C.F.R. §§ 141.81(e)(1), and 141.82. Respondent shall then complete installation of OCCT within 4 months after EPA approves the recommendation. Respondent shall monitor as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d).
14. 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. § 141.90.
15. Respondent shall report any violation of lead and copper monitoring requirements to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).
16. 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**

17. 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.





18. 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: April 20, 2010.

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

