

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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

JUL 1 3 2009

Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Campbell County Commissioners c/o Dan Coolidge, Chairman 500 South Gillette Avenue, Suite 1100 Gillette, WY 82716

> Re: Notice of Safe Drinking Water Act Enforcement Action against Wrangler Estates, Inc. PWS ID# WY5601474

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 Wrangler Estates, Inc., located in Gillette, Wyoming. This Order requires that Wrangler Estates, Inc. take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for lead and copper; exceeding the maximum contaminant level for total coliform; and failing to report violations to EPA.

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 Mario Mérida at (303) 312-6297.

Sincerely,

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Diane L. Sipe, Director Water 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

2009 JUL 13 AM 6:35

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Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Rodney R. Maki, Registered Agent Wrangler Estates, Inc. 3350 Little Powder River Road Gillette, WY 82716

> Re: Administrative Order Docket No. <u>SDWA-08-2009-0060</u> PWS ID # WY5601474

Dear Mr. Maki:

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 <u>et seq</u>. Among other things, the Order describes how Wrangler Estates, Inc. has 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 Wrangler Estates, Inc. complies with the Order for 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 a total coliform rule maximum containment level exceedence from 2006. EPA recognizes that Wrangler Estates, Inc., has had no subsequent violations of the total coliform rules since 2006.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-66297. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures Order Information sheet

cc: Tina Artemis, EPA Regional Hearing Clerk WY DEQ (via email) WY DOH (via email)

UNITED STATES UNITED	STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 1595 Wynkoop Street DENVER, CO 80202-1129 Phone 800-227-8917 http://www.epa.gov/region08	35
IN THE MATTER OF	EPA REGION VIII HEARING DI FRI	
Wrangler Estates, Inc. Gillette, Wyoming))) ADMINISTRATIVE ORDER	
Respondent.) Docket No. spwa-08-2009-000	60

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Wrangler Estates, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Wrangler Estates Water System (the system) in Campbell County, Wyoming which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells disinfected with chlorine and serves approximately 255 people per day through 85 service connections yearround. 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. part 141.

VIOLATIONS

3. The drinking water regulations define the acute maximum contaminant level (MCL) for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample. 40 C.F.R. § 141.63(b). Respondent's sampling results during October 2006 exceeded the acute MCL for total coliform bacteria and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by the system, Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper on September 23, 2005 and the next sampling was to be done between June 1, 2008 and September 30, 2008. Respondent did not sample for lead and copper during the required period and, therefore, violated this requirement.

Wrangler Estates, Inc. Page 2 of 3

5. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 4 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

Respondent shall comply with the acute MCL for total coliform bacteria.
40 C.F.R. § 141.63(b).

7. Respondent shall monitor the system's water for lead and copper between June 1, 2009, and September 30, 2009, and per the regulations thereafter. Respondent shall collect 5 samples during each sampling event. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

8. Respondent shall report any violation of the drinking water requirements to EPA within 48 hours, unless another reporting period is specified in this Order or the drinking water regulations. 40 C.F.R. § 141.31(b).

9. All reporting required by this Order shall be directed to:

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

GENERAL PROVISIONS

10. 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.

11. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Wrangler Estates, Inc. Page 3 of 3

Issued this 13th day of July , 2009.

FOR

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

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