



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

DEC <sup>30</sup> 29 2008

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Dan Coolidge, Chair  
500 S. Gillette Avenue  
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Jesse Dale Ruby and  
JM Land & Developing Co.  
Ridgeway Community Well  
PWS ID# 5601602

Dear Commissioners:

The Safe Drinking Water Act requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued to Jesse Dale Ruby and JM Land & Developing Co. as the owners and/or operators of the Ridgeway Community Well public water supply system (the system) located in Gillette, Wyoming. This Order requires that the system take measures to return to compliance with the National Primary Drinking Water Regulations. The violations are exceeding the maximum contaminant level for total coliform bacteria, failure to monitor monthly for total coliform bacteria, and failure to notify EPA 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 Kathelene Brainich at (303) 312-6481.

Sincerely,

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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SD  
DEC 29 2008

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jesse Dale Ruby, Registered Agent and Operator  
J M Land & Developing Co.  
Ridgeway Community Well  
POB 701  
Beaver Dam, AZ 86432

RE: Administrative Order  
Docket No. **SDWA-08-2009-0023**  
PWS ID #5601602

Dear Mr. Ruby:

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. section 300f et seq. Among other things, the Order describes how you and JM Land & Developing Co. (JM Land) have violated the National Primary Drinking Water Regulations at the Ridgeway Community Well Water System (the system) in Campbell County, Wyoming.

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 you and JM Land comply 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.

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.

The issuance of this Order in no way diminishes the obligation of you or JM Land to comply with all applicable State of Wyoming statutes or regulations, with the Emergency Administrative Order that EPA issued to you and JM Land on August 27, 2008, or with any other EPA drinking water regulations not cited in the Order (such as the Surface Water Treatment Rule requirements referenced in correspondence from Tiffany Mifflin of EPA Region 8's Drinking Water Unit).

To submit information or to request an informal conference with EPA concerning the violations cited in the enclosed Order, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can 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,



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

Enclosures

Order  
Information sheet

cc: Duane Faucett, Ridgeway operator (via fax)  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk

2008 DEC 30 AM 10:35  
Region 8  
HEALTHY PEOPLE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF )  
 )  
JM Land & Developing Co. )  
and Jesse Dale Ruby )  
Gillette, WY )  
 )  
Respondents )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2009-0023**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by 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 et seq.), as properly delegated to the undersigned officials.

2. Respondent JM Land & Developing Co. (JM Land) is a Wyoming corporation. Respondent Jesse Dale Ruby (Ruby) is an individual. JM Land and/or Ruby own and/or operate the Ridgeway Community Well Water System (the system) in Campbell County, Wyoming. The system provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well treated with chlorination. The system serves an average of approximately 60 people per day through 17 service connections year-round. The system is a "community" water system as defined in 40 C.F.R. §141.2. Respondents are 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. Respondents are 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. Respondents failed to monitor the system's water for total coliform bacteria contamination during November and December 2007, and January 2008, and, therefore, violated this requirement.

4. If any sample of the system's water is positive for total coliform bacteria, Respondents are required to take four repeat samples within 24 hours of being notified of the positive result. 40 C.F.R. §141.21(b). If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. §141.63. Respondent's sampling results in July, August, and September 2008 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

5. Respondents are required to report total coliform MCL violations to EPA no later than the next business day after learning of the violation. 40 C.F.R. §141.21(g)(1). Respondents

failed to report to EPA the July 2008 total coliform MCL violation listed in paragraph 4 above and, therefore, violated this requirement.

6. Respondents are required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after learning of the violation. 40 C.F.R. §141.21(g)(2). Respondents failed to report to EPA the failure to monitor total coliform violations listed in paragraph 3 above and, therefore, violated this requirement.

### **ORDER**

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

7. Upon receipt of this Order, Respondents shall monitor monthly for total coliform bacteria and shall comply with the total coliform MCL. 40 C.F.R. §§141.21 and 141.63.

8. Within 90 days of receipt of this Order, Respondents shall provide EPA with a compliance plan and schedule for the system to maintain consistent compliance with the total coliform bacteria MCL. 40 C.F.R. §141.63. The plan shall include continuation of current chlorination treatment and proposed system modifications (to include but not be limited to construction of a new storage tank and distribution system), estimated cost of the modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final completion date (to be within 4 months from the date of EPA's approval of the plan and schedule). The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondents' 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.

9. The plan and schedule required by paragraph 8, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

10. Within 120 days of receipt of this Order, Respondents shall submit to EPA monthly reports on the progress made in implementing the plan and schedule required by paragraph 8, above. Each monthly report is due by the 10<sup>th</sup> day of the month following the end of each calendar month.

11. Respondents must comply with the total coliform MCL at 40 C.F.R. §141.63 even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for non-compliance.

12. Respondents shall report all analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. §141.31(a).

13. Respondents shall report any total coliform MCL violation to EPA no later than the next business day after learning of the violation. 40 C.F.R. §141.21(g)(1).

14. Respondents shall report any failure to comply with coliform monitoring requirements to EPA within ten days after discovering the violation. 40 C.F.R. §141.21(g)(2).

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

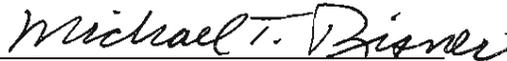
Kathelene Brainich  
U. S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**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, the Act, or the drinking water regulations may subject Respondents 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.

Dated: 12/29/08



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



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