



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

JUL 14 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Goshen County Commissioners
c/o Robert Ward, Chairman
2125 East A Street
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Dillman Estates Homeowners Association
PWS ID#WY5601248

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 Dillman Estates Homeowners Association, located in Torrington, Wyoming. This Order requires that Dillman Estates Homeowners Association 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 radionuclides in 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



Printed on Recycled Paper



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CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Jack Sauder, Board President
Dillman Estates Homeowners Association
P.O. Box 697
Torrington, Wyoming 82240

Re: Administrative Order
Docket No. SDWA-08-2008-0075
Dillman Estates Homeowners Association
PWS ID #WY5601248

Dear Mr. Sauder:

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 Dillman Estates Homeowners Association 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 Dillman Estates Homeowners Association 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.

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 black ink, appearing to read "Diane L. Sipe".

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

Enclosures
Order

cc: Jerry Canaday, Operator
WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 JUL 14 10:13 AM

IN THE MATTER OF)

Dillman Estates Homeowners Association)
Torrington, Wyoming)

Respondent)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0075

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. Dillman Estates Homeowners Association (Respondent) is an association that owns and/or operates the Dillman Estates Water System (the System) in Goshen County, Wyoming, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of five wells, is not treated, and serves approximately 48 people through 19 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 is required to initially monitor the System's water for four consecutive, quarterly samples during 2007 to determine compliance with the MCL for radionuclides. 40 C.F.R. § 141.26(a). Respondent sampled the water for contamination of radionuclides in the 1st (January-March) and 2nd (April-June) quarter of 2008, but failed to monitor the water for contamination of radionuclides during all four quarters of 2007 and, therefore, violated this requirement.

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

ORDER

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

5. Prior to September 30, 2008 and again between October 1, 2008 and December 31, 2008, and per the regulations thereafter, Respondent shall monitor for radionuclides. 40 C.F.R. § 141.26(a). 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 radionuclides monitoring or other NPDWR requirements shall be reported to EPA within 48 hours. 40 C.F.R. § 141.31(b).

6. 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

7. 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.

8. 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.

7/10/08
Date

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

7/12/08
Date

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