



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

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

JAN 25 2011

Campbell County Commissioners
c/o Dan Coolidge, Chairman
500 S. Gillette Avenue, Suite 1100
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Southside Well Improvement and
Service District Public Water System
PWS ID# WY5600122

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.

A third Administrative Order is being issued to the Southside Well Improvement and Service District Public Water System, located in Gillette, Wyoming. The Order requires that this public water system take measures to return to compliance with the National Primary Drinking Water Regulations. The violations include exceeding the total coliform maximum contaminant level; failing to take total coliform repeat samples; failing to monitor as required by the Ground Water Rule, failing to provide public notice of violations; and failing to report these 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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JAN 25 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Southside Well Improvement and Service District
Eugene Moore, President
3523 Speigelmyer Ave.
Gillette, Wyoming 82718-6446

Re: Third Administrative Order
Docket No. **SDWA-08-2011-0015**
Southside Well Improvement and
Service District Public Water System
PWS ID# WY5600122

Dear Mr. Moore:

Enclosed is a third 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 describes how Southside Well Improvement and Service District (the District) has violated the National Primary Drinking Water Regulations. EPA's prior Orders, Docket No. SDWA-08-2008-0097 and SDWA-08-2009-0047, issued to the Southside Well Improvement and Service District on September 2, 2008 and June 2, 2009 respectively, remain in full force and effect.

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 Southside Well Improvement and Service 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.

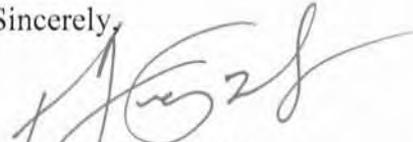
The Order requires the District to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

For future source water sampling as required by the Ground Water Rule, please find the enclosed triggered source monitoring sample collection and reporting form.

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 Peggy Livingston, Enforcement Attorney, who may 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,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Ground Water Rule Sample Collection and Reporting Form
Public Notice Template

cc: Bret Wolz, Operator
Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ (via email)
Wyoming DOH (via email)

VIOLATIONS

7. If two or more samples collected in any month from the system's water are positive for total coliform, then the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of December of 2009, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.
8. Within 24 hours of being notified of any total-coliform positive routine sample of the system's water, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the system's water within 24 hours of being notified of a total coliform-positive sample on December 21, 2009, and, therefore, violated this requirement.
9. Within 24 hours of being notified that any regular, routine total coliform monitoring sample is total coliform-positive, Respondent is required to collect at least one water sample from each source in use and to submit each such sample to fecal indicator analysis. 40 C.F.R. § 141.402(a) and (c). The system received a total coliform-positive result for its routine water sample collected on November 16, 2010, but Respondent failed to collect any ground water source sample within the required 24 hour time-frame and, therefore, violated this requirement. (Respondent did take a sample from its pressure tank, but not from its underground water source.)
10. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 7 and 8, above, and, therefore, violated this requirement. Public notice for the 2010 failure to take a ground water source sample cited in paragraph 9 is not yet overdue.
11. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.
12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 8, above, to EPA and, therefore, violated this requirement.



13. Respondent is required to report any failure to comply with any drinking water regulation to EPA within 48 hours (except where the drinking water regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violation cited in paragraphs 9 and 10 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):

14. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63. If the system's water does not comply with the total coliform MCL, Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

15. If any total coliform routine sample for the system is total coliform positive, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of a positive result, following the procedures in 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

16. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. However, if the system's ground water source is inaccessible and an appropriate sampling point is unavailable, then Respondent shall (a) within 14 days of receipt of this Order, install a source water sampling tap at a point in the system prior to the pressure tank; (b) notify EPA and the Wyoming Department of Environmental Quality immediately after the tap is installed; and (c) within 24 hours of this notification, collect at least one water sample from the new sampling point for fecal indicator analysis.



17. After the initial sampling required by the preceding paragraph, Respondent shall, within 24 hours of receiving any notification that a regular, routine total coliform monitoring sample is total coliform-positive, collect at least one water sample for fecal indicator analysis from each source in use, as required by 40 C.F.R. § 141.402(a) and (c).

18. Respondent shall report analytical results for all sampling required by the two preceding paragraphs to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.31. Each such result shall be identified upon submission to EPA and upon submission to the laboratory analyzing the sample as the result of triggered source water sampling. Respondent shall report any failure to conduct sampling required by 40 C.F.R. § 141.402(a) and (c) to EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the drinking water regulations, Respondent shall report within that different period.

20. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 8 and 9, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

21. Respondent shall direct all reporting required by this Order to:

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

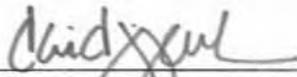
GENERAL PROVISIONS

22. This Order shall 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.

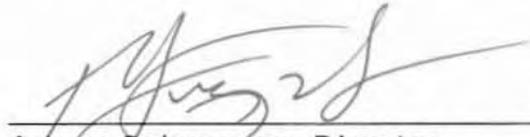


23. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: January 25th, 2011.



Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Ground Water Rule SOURCE WATER

Triggered Source Monitoring Sample Collection And Reporting Form

Sampler(s) Section (For field sampler use only):

Utility Information Public Water System (PWS) Name:		Sampler's Name:	
PWS Identification Number (PWSID):		Phone Number:	
PWS Street Address:	City:	State:	Zip Code:
Sample Collection Date Time		Sampling Location (i.e. "SOURCE-Well #4"):	Sample Type (Check One)
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
			<input type="checkbox"/> Routine <input type="checkbox"/> Additional Following EC+ <input type="checkbox"/> Replacement
Sampler(s) name (Print):		Sampler(s) signature:	Date signed:

Laboratory Section (For laboratory use only):

Laboratory Information Laboratory Name:			Laboratory Phone Number:			Date/Time Sample Received:			
Lab Specimen ID	Sample Location	Analytical Method Used	Total Coliform P/A/NA	E. coli P/A/NA	Analysis Start		Analysis Complete		Comments
					Date	Time	Date	Time	
Analyst(s) Signature:					Date signed:				

Send Copies Of Completed Forms To: Ground Water Rule Manager, Tiffany Mifflin
 Email: mifflin.tiffany@epa.gov
 Fax: 1-877-876-9101

Instructions for Resolved Total Coliform Notice –(Tier 2)

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Check with the Division of Drinking Water to make sure you meet all the public notification requirements.

Community systems must use one of the following methods (141.203(c)):

- X Hand or direct delivery
- X Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(c)):

- X Posting in conspicuous locations for at least 7 days
- X Hand delivery
- X Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We have increased sampling for coliform bacteria to catch the problem early if it recurs.
- X The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.

After Issuing the Notice

Make sure to send a copy of each type of notice along with a certification that you have met all the public notice requirements to EPA and your Primacy Agency within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in Southside Well Improvement and Service District's Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. In **December 2009** we took three samples to test for the presence of coliform bacteria and two of those samples showed the presence of total coliform bacteria.

The standard is that no more than 1 sample per month may do so.

What should I do?

- ☒ **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- ☒ People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

What happened? What was done?

For more information, please contact _____ at ____-____-____ or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by **Southside Well Improvement and Service District**
Water System ID#: **WY5600122**

Date distributed: _____

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- X We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- X We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- X We plan to take the required samples soon, as described in the last column of the table above.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for Southside Well Improvement and Service District

Our water system violated a drinking water standard over the past two years. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to collect a set of 4 repeat samples following a total coliform (TC) positive result in December 2009. During November 2010, we failed to collect a ground water source sample from the actual source and within 24 hours of being notified of the TC positive result.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Failure to collect a set of 4 repeat samples following a TC positive result.	As needed following a TC positive result.	December 2009	As needed following a TC positive result.
Failure to collect a ground water source sample from the actual source and within 24 hours of being notified of the TC positive result.	As needed following a TC positive result.	November 2010	As needed following a TC positive result.

What happened? What is being done?

For more information, please contact **Bret Wolz** or **445 Sinclair Street, Gillette WY, 82718**

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by **Southside Well Improvement and Service District**

State Water System ID#: **WY5600122**

Date distributed or dates posted:

After Issuing the Notice

Make sure to send EPA Region 8 a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

Shawn McCaffrey
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ To _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____