



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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Ref: 8 ENF-W

DEC 18 2008

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Vickie Goodwin, Board Secretary
Fairway Estates Homeowners Association
32 Fairway Drive
Douglas, Wyoming 82633

Re: 2nd Violation of Administrative
Order and Addendum
Docket No. SDWA-08-2008-0044
Fairway Estates Homeowners
Association
PWS ID # WY5600918

Dear Ms. Goodwin:

On May 5, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2008-0044, ordering Fairway Estates Homeowners Association (HOA), owner and/or operator of the Fairway Estates HOA Public Water System (the System) to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f *et seq.* On October 14, 2008, EPA issued a violation of Administrative Order letter to Fairway Estates HOA regarding violations of the Order.

Our records indicate that Fairway Estates HOA is again in violation of the Administrative Order. Among other things, the Order included the following requirements (quoted from items 14 and 21 of the Order section on pages 3 and 4 of the Order).

1. If the System has a total coliform maximum contaminant level (MCL) violation while this Order is in effect, Respondent shall submit to EPA, within 30 days of the MCL violation, detailed plans for bringing the System into compliance with the MCL for coliform bacteria. 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the first MCL violation after this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from the Wyoming Department of Environmental Quality (DEQ) may be required for any changes to the System.

As noted in EPA's letter of October 14, 2008, Respondent exceeded the total coliform MCL during June 2008. Respondent again violated the MCL during October 2008 and has failed to submit a plan to EPA, and, therefore, violated this requirement. As a result of these MCL violations, EPA is now requiring the Respondent to install continuous disinfection by January 30, 2009. Also, the Respondent must complete the public notice requirements as stated in 40 C.F.R. § § 141.201 and 141.202 within 30 days for the MCL violations and submit a copy of the public notice to EPA. Also, as required in item 16 of the Order, the Respondent shall submit monthly reports to EPA on the progress made toward bringing the System into compliance with coliform bacteria MCL.

2. Within 120 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing the System into compliance with the MCL for arsenic. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for arsenic. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 18 months from the date of the Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from the Wyoming Department of Environmental Quality (DEQ) may be required for any changes to the System.

Respondent has failed to submit a plan for bringing the System into compliance with the MCL for arsenic, and, therefore, violated this requirement. Please submit a plan that contains all the required information as stated above to EPA by January 30, 2009. As a reminder, the Respondent is required to repeat the arsenic MCL public notice every three months until compliance with the arsenic MCL is achieved. Also, as required in item 23 of the Order, the Respondent shall submit quarterly reports to EPA on the progress made toward bringing the System into compliance with the arsenic MCL.

EPA acknowledges that the Respondent is working with the Wyoming Department of Environmental Quality and Wyoming Association of Rural Water Systems on options and permitting requirements for continuous chlorination. Also, EPA acknowledges that the Respondent is exploring several arsenic treatment options.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please contact Marc Weiner, Enforcement Attorney, at (303) 312-6913 or at the following address:

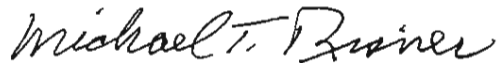
Marc Weiner
Senior Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



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



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

cc: Pete Leath, Operator
Gary Fichman, Board President
WY DEQ (via e-mail)
WY DOI (via e-mail)
Tina Artemis, EPA Regional Hearing Clerk