



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

JUN 28 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Big Horn County Commissioners
c/o Jerold S. Ewen
2881 Beaver Creek Road
Shell, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Georgia-Pacific Gypsum
Public Water System
PWS ID # WY5600611

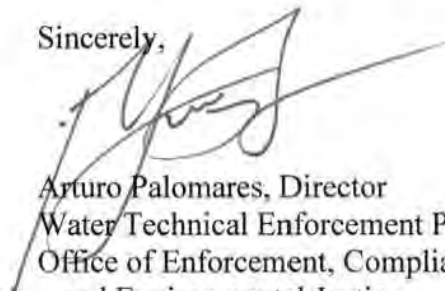
Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Georgia-Pacific Gypsum, LLC, which owns and/or operates the Georgia-Pacific Gypsum public water system, located in Big Horn County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant levels for selenium and arsenic, and failing to monitor for total coliform bacteria.

For more details, a copy of the Order is enclosed. **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,



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

Enclosure:
Order



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JUN 28 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System, Registered Agent
Georgia-Pacific Gypsum, LLC
1720 Carey Ave., Ste. 200
Cheyenne, WY 82001

Re: Administrative Order
Georgia-Pacific Gypsum
Public Water System
Docket No. **SDWA-08-2012-0030**
PWS ID #WY5600611

Dear Madame/Sir:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Georgia-Pacific Gypsum, LLC (the Company), as owner and/or operator of the Georgia-Pacific Gypsum public water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

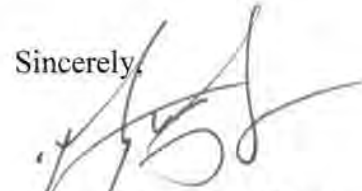
If the Company complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or to request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

The EPA acknowledges the Company's efforts to address exceedances of the selenium and arsenic maximum contaminant levels, cited in the Administrative Order. In accordance with the Drinking Water Regulations, the Company collected quarterly samples for selenium beginning in the 2nd quarter of 2007 and for arsenic beginning in the 3rd quarter of 2010, and provided regular public notice on the ongoing violations, among other steps.

We appreciate the Company's ongoing attention to and efforts on this matter moving forward, as outlined in the Administrative Order.

Sincerely,



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

Enclosures:
Order

cc:
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Mike Decker, Plant Manager, Georgia-Pacific Gypsum LLC
Mike P. Stewart, Field Manager, Bureau of Land Management WY Cody Field Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JUN 28 AM 9:55

IN THE MATTER OF:)
)
Georgia-Pacific Gypsum, LLC,)
)
)
)
Respondent.)

Docket No. **SDWA-08-2012-0030**

FILED
EPA REGION VIII
RECORDING CLERK

ADMINISTRATIVE ORDER

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. Georgia-Pacific Gypsum, LLC, (Respondent) is a Delaware corporation that owns and/or operates the Georgia-Pacific Gypsum Water System (the System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of 3 wells. The water is not treated.
4. The System has approximately four service connections and/or regularly serves an average of approximately 90 of the same individuals daily for at least 6 months out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. The Maximum Contaminant Level (MCL) for selenium is 0.05 milligrams per liter (mg/l), with compliance to be based on a running annual average of selenium samples. 40 C.F.R. §§ 141.23(i) and § 141.62(b). The running annual average of selenium from the System for the 4th quarter of 2007 through the 1st quarter of 2012 exceeded 0.05 mg/l and, therefore, Respondent violated the selenium MCL.

8. The MCL for arsenic is 0.010 mg/l, with compliance to be based on a running annual average of arsenic samples. 40 C.F.R. §§ 141.23(i) and § 141.62(b). The running annual average of arsenic samples from the System for the 2nd quarter of 2011 through the 1st quarter of 2012 exceeded 0.010 mg/l and, therefore, Respondent violated the arsenic MCL.

9. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, 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 results for a sample that was collected on July 30, 2007, that was positive for total coliform 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):

10. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a schedule for Respondent to come into compliance with the selenium and arsenic MCLs in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the selenium and arsenic MCLs. The proposed schedule shall include specific milestone dates and a final compliance date (to be within six months from the date of the EPA's approval of the plan and schedule). The plan and schedule must be approved by the EPA before any new construction or modifications can begin. The EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

11. The plan and schedule required by paragraph 10, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

12. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 10, above, Respondent shall notify the EPA of the project's completion.



13. Respondent shall achieve and maintain compliance with the selenium and arsenic MCLs by the final date specified in the approved plan, or no later than six months after receipt of the EPA's approval of the plan and schedule required by paragraph 10 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

14. Respondent shall report any violation of the drinking water regulations to the 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.

15. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

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

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

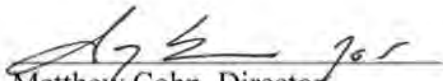
GENERAL PROVISIONS

17. 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 the EPA to forgo any civil or criminal action.



18. 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: June 27, 2012.



Matthew Cohn, Director
James H. Eppers, 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

