



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Phone 800-227-8917  
<http://www.epa.gov/region08>

2010 MAR 29 AM 9: 53

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

MAR 29 2010

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EPA REGION VIII  
HEARING CLERK

Gary Fichman, Board President  
Fairway Estates Homeowners Association  
62 Fairway Drive  
Douglas, Wyoming 82633

Re: Administrative Order Addendum #4  
Docket No. SDWA-08-2008-0044  
Fairway Estates Homeowners Association  
PWS ID # WY5600918

Dear Mr. Fichman:

Pursuant to paragraph 22 of the Administrative Order (AO) issued May 5, 2008 to the Fairway Estates Homeowners Association, this Addendum #4 to the AO incorporates the schedule for completing system modifications as outlined in the February 19, 2010 email from Vickie Goodwin on behalf of the Fairway Estates Homeowners Association to EPA. This letter constitutes the written approval by EPA of the Fairway Estates Homeowners Association planned actions as indicated in the chart below.

EPA acknowledges that Fairway Estates was planning on connecting to the City of Douglas water system as reflected in the EPA Addendum #3 issued on September 15, 2009. However, EPA understands that this may no longer be a viable option and that the Fairway Board voted to drop the possible annexation with Douglas and move forward with a treatment plant.

Please be advised that the Fairway Estates Homeowners Association must continue to sample quarterly for arsenic and provide quarterly public notice of the arsenic maximum contaminant level (MCL) violations as long as the running annual average exceeds 0.010 milligrams per liter (mg/l). Also, the Fairway Estates Homeowners Association must provide quarterly updates on the progress made towards bringing the water system into compliance with the arsenic MCL and notify EPA after all improvements required by the plan have been completed as required in paragraph 23 of the AO.

Please note that EPA expects this approved schedule to be met. If unexpected events occur that are beyond Respondent's control and that will require Respondent to request an extension of these deadlines, Respondent is responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. Respondent must provide the following information in any request for extensions: a description of the work that has been completed and the additional work that will not be completed by the deadline dates, the unexpected events that occurred and how Respondent attempted to foresee or overcome these obstacles, and an explanation that justifies the new proposed deadline dates.

| <u>Action</u>  | <u>Start Date</u> | <u>Finish Date</u> |
|--|-------------------|--------------------|
| Gather information required for loan/grant application.  | February 1, 2010  | April 16, 2010     |
| Obtain approval of re-payment method for project financing.  |                   | April 9, 2010      |
| Submit engineering report and plans/specifications for EPA and Wyoming Department of Environmental Quality (WDEQ) approval and permit for AdEdge (MOD-3672-2P) arsenic treatment system. | April 2, 2010     | June 3, 2010       |
| Submit application for State Revolving Fund (SRF) loan.  |                   | April 19, 2010     |
| Submit application for emergency Mineral Royalty Grant (MRG).  |                   | May 14, 2010       |
| Wyoming Office of State Lands and Investments Board (SLIB) meeting for grant and loan approval.  |                   | June 17, 2010      |
| Bidding of water distribution line construction.   | June 23, 2010     | July 21, 2010      |
| Award contract for construction.   |                   | July 22, 2010      |
| Construction of AdEdge arsenic treatment facility.   | August 16, 2010   | October 15, 2010   |
| Put new system into service.   |                   | November 1, 2010   |

Please be advised that the Fairway Estates Homeowners Association is required to comply with all provisions of the AO. Penalties for failing to comply are set forth in the Order. Please contact Shawn McCaffrey at (303) 312-6515 if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

Sincerely,



Darcy O'Connor, Acting Director  
 Technical Enforcement Program  
 Office of Compliance, Enforcement,  
 and Environmental Justice



David Rochlin, Supervisory Attorney  
 Legal Enforcement Program  
 Office of Enforcement, Compliance  
 and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
 Vickie Goodwin, Board Secretary  
 WY DEQ (via email)  
 WY DOH (via email)

