



FALCON CONSULTING SERVICES L.L.C.

445 Sinclair St. Gillette Wyoming 82716

VISION TO THE FUTURE!

Serving the needs
of our clients since 1997

2010 APR 12 PM 12:51

FILED
EPA REGION VIII
RECEIVED
HEARING CLERK

APR 05 2010

Office of Enforcement,
Compliance & Environmental Justice

Friday, April 02, 2010

RE: Response to Notice of Complaint and Hearing
Docket No. SDWA-08-2010-0021

Andrew M Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and Environmental Justice

Mr. Gaydosh

This letter is written on behalf of the Southside I&S District, as directed by the board. I am Bret Wolz PE. I live in the district, and am responsible as the licensed operator of the water system. This letter is to provide the written answer, as required in the complaint and to officially request a hearing.

Materially the issues in the complaint are correct.

- 1 We did miss the Bacteriological test for June of 2009, we did not notify the EPA within ten days as required, because it was not noticed due to the timing of the May and July tests taken (May 30, July 2⁺). The "miss" was not noticed until the EPA called about the Bi-products rule information that was missing for the month.

Both Bacteriological tests taken prior to and following the miss were clear. As we vary the time of testing in the month in an attempt to miss similar water use patterns, there have been many times when the untested period exceeded the missing time frame, including the April to May and July to August periods just prior to and following the violation.

- 2 An improper number of Lead and copper tests were taken due to operator error. Again not noted locally until called out by the EPA. I have operated many systems, including systems with over 400 taps where 5 lead and copper tests were taken. The operators assumption was that with 19 total taps in the system, two represented a greater percentage of the system (10.5%) than 5 of the 400 (1.25%) in other systems, and properly indicated the safety of the system. All lead and copper tests ever taken on this system that I am aware of have been ND. Add into this that the Pump house plumbing is copper, some of the structures have copper plumbing, the majority is plastic, and there is no lead in the system.

As to the Fine proposed, please understand the following facts about this system.

- 1 This system is composed of 19 current users, comprised as follows:
 - Residential users 10, (three are retired on fixed incomes)
 - Commercial Users 9
- 2 Operating expenses for April 09 through March 10 totaled \$2,960.00
- 3 The basic system was constructed in 1967, wells, pump house, mains, a replacement well in 1980 \pm , and service only expansions through 1995.
- 4 The system was privately operated from inception until 2003-2004, when the last private entity abandoned it, and the Southside board was formed take over operation for and in behalf of residents who could not afford to connect to the city supply system.
- 5 Mains are PVC and Fiberglass pipes, which while working, are not in compliance with the Current DEQ/EPA regulations.
- 6 The system was constructed with no way to flush, other than through services, and no back flow protection on services.
- 7 The Pump house was upgraded in 2004, and was finally paid off in Dec 2009.
- 8 A project to replace 35% of our mains and bring them to compliance with Regulations is in process as of this date, main construction is done, testing flushing and connection are pending, but will be completed in the next couple of weeks. This Project has required the district to incur debit equal to 3 times the annual operating budget.
- 9 The Board has initiated a project to install backflow protection this year, with the first installations to be this spring. In addition flushing facilities are proposed to be installed this spring, and improvements to make the pump house compliant with the new ground water source protection rule.

Many of these facts were expressed to Mr. McCaffery when we spoke last year. While the board recognizes the EPA's attempt to be reasonable with a fine of \$1,200, in our opinion increasing the fixed operating costs of 2010 by 40.5% ($1200/2960$) will seriously hamper the current boards attempts to be proactive in maintenance and upgrading of a system that has been seriously neglected for decades prior to becoming a public utility, and thereby reduce their ability to provide the protections created by the Clean Water Act.

In summary, the volunteer board of the Southside Well Improvement and Service District Board requests a hearing with the EPA on the subject of the violations and penalties. The board has instructed me to arrange the meeting as soon as possible.

Could you please forward a couple of dates and times that we might schedule this hearing? Our three member board is comprised of

- 1 The President an employee of the local mines that works shifts. His rotating schedule requires 2-3 weeks notice.
- 2 The Vice President a state employee, which drives truck and snow plow (it may be well to avoid potential snow periods). He will need to request time off two weeks in advance for the meeting, unless it is held after 4:00 pm on a week day.
- 3 The Treasurer a private business owner.

Thank you for you attention and we look forward to talking with you. Should you have any questions please do not hesitate to call

Sincerely



Bret H Wolz PE
Principal Engineer

Falcon Consulting Services LLC