



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

FEB 17 2009

Ref: 8 ENF-W

CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED

Larry Stepp, Mayor pro tempore  
Town of LaBarge  
P.O. Box 327  
LaBarge, WY 82123

Re: 2<sup>nd</sup> Violation of Administrative  
Order  
Docket No. SDWA-08-2008-0041  
Town of LaBarge  
PWS ID # WY5600222

Dear Mr. Stepp:

On April 17, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0041, ordering the Town of LaBarge (Respondent) to comply with regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

On various days during the months of October, November, and part of December 2008, the system's operator failed to correctly monitor for chlorine residual (by failing to zero out the chlorine meter with a blank prior to taking the chlorine reading). Upon discovery, the system was able to provide calculated values of the chlorine residual readings for October and November 2008 however, some of the chlorine residual results were below 1.0 mg/L. Our records indicate that the Town of LaBarge is in violation of the Administrative Order (the Order). The Order included the following requirement (quoted from item 14 (a)(i)(1) of the Order section on page 3 of the Order):

For filtered surface water..., [Respondent shall] maintain free chlorine residual at or above 1.0 milligram per liter (mg/L) without allowing it to drop below 0.2 mg/L for more than 4 hours. 40 C.F.R. §141.72(b)(2). (Emphasis added)

Respondent failed to maintain free chlorine residual (calculated values) at or above 1.0 mg/L in the filtered surface water (leaving the 10,000 gallon storage tank) for the following days: October 16, 18, 19, and 31, 2008; and November 1, 12, and 20, 2008. Since the Town of LaBarge's water does not yet comply with filtration requirements of 40 C.F.R. part 40, subparts H and T, it is imperative that the Town put

in place practices to ensure that the water is constantly treated with chlorine at this level.

In addition, item 14 (b)(i)(2) of the Order section on page 4 of the Order contains the following requirement and recommendation:

For the combined filtered plus unfiltered water..., [Respondent shall] not allow the chlorine residual to fall below 0.2 mg/L for more than four hours (with the optimal goal of maintaining it at or above 1.0 mg/L). (Emphasis added)

While not a violation of the Order's requirements, Respondent failed to maintain the combined filtered plus unfiltered water's chlorine residual at or above 1.0 mg/L on the following days: October 14, 15, 19, 21, 23, and 26, 2008; and November 5, 7, 8, 9, 10, 12, 13, 14, 20, 21, 22, 25, 29, 30, 2008. It is extremely important that The Town of LaBarge maintain chlorine residuals in the filtered plus unfiltered water at 1.0 mg/L or above in order to protect public health.


**This is the second violation letter that EPA has issued regarding the Town of LaBarge's failure to maintain adequate chlorine levels. EPA is considering additional enforcement action as a result of the non-compliance with the Order, including assessing additional penalties and referral to the Department of Justice for Civil Judicial Action.** Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

EPA has not notified Diamond Energy Services, Inc. that it is in violation of the Order because on May 29, 2008, Mayor Dennis Hacklin notified EPA that Diamond Energy Services had resigned and would no longer serve as the system's operator.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston  
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.



---

Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: WY DEQ (via e-mail)  
WY DOH (via e-mail)  
Kandis Kjar, Town Clerk  
Rowdy Headrick, Operator  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)