

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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> FILED EPA REGION VIII HEARING CLERK

Ref: 8ENF-W

## CERTIFIED MAIL LETTER RETURN RECEIPT REQUESTED

John Ferris, President Sylvan Bay Homeowners Association 144 Mazet Road Riverton, WY 82501

Re:

Administrative Order Addendum #2 Docket No. SDWA-08-2009-0037 Sylvan Bay Homeowners Association PWS ID #WY5601111

Dear Mr. Ferris:

In this letter, which is the second Addendum to the Administrative Order (AO) that EPA issued on March 9, 2009, to the Sylvan Bay Homeowners Association (HOA), EPA is approving a revised schedule for improving the HOA's public water system to address total coliform bacteria. As you are aware, the AO required the HOA to submit a compliance plan and schedule for bringing the system into compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria. After the HOA submitted an initial plan and schedule to EPA, EPA approved the schedule in a letter dated October 7, 2009.

The HOA now proposes to change some elements of the previously submitted compliance plan and schedule. The HOA no longer proposes to install a flow meter. Instead, it proposes to design and install a treatment system, to apply for and obtain appropriate permit authorizations from the Wyoming Department of Environmental Quality (DEQ) and the United States Forest Service, and to complete installing the new treatment system by September 1, 2011. EPA now approves the new schedule, as indicated in the table on the next page of this letter. The new schedule is now an enforceable component of the AO. Please also be advised that the HOA is under a continuing obligation to comply with the total coliform MCL established by 40 C.F.R. § 141.63. The HOA is also required to notify EPA within 10 days after all actions required by the plan have been completed, as indicated in paragraph 14 of the AO.

Per your request of May 3, 2010, testing of the system can be completed without chlorination provided that the raw water is sampled for total coliform bacteria and is in compliance. The system may be operated without chlorination for a time period not to exceed 14 days. Within 5 days of removing chlorination, the HOA must provide EPA with a copy of the lab results and the date that chlorination was removed. The HOA shall notify EPA by phone or fax on the date that testing is completed and chlorination has resumed. If the results of the total coliform bacteria testing are positive, the HOA may continue to test the system as described above provided a DO NOT DRINK notice is given to all residents.

EPA must also express concerns with many of the statements in the May 3, 2010 Request for Extension from the HOA's new operator, Thomas Barker. EPA does not concur with many of the statements in that request. For example, EPA has never suggested in any way that the AO "prevents providing water to any homes in 2010 and likely part of 2011." The claims in the May 3<sup>rd</sup> request do not reflect the intent of the AO. If you would like to discuss any concerns with EPA, please feel free to contact Shawn McCaffrey, whose telephone number is given below.

Action	Start Date	Finish Date
In the 2010 and 2011 operating periods, disinfect with dissolving chlorinator tablets in a mesh bag near the discharge of both 3,000 gallon tanks.	Upon opening for the 2010 and 2011 season.	September 1, 2011
Test for chlorine residual at 3 different locations in the distribution system to ensure a detectable residual throughout the system.	Upon opening for the 2010 and 2011 season and every 2 weeks thereafter until the system closes.	September 1, 2011
Submit chlorine residual results to EPA.	10 days after completing each 4 weeks of sampling.	September 1, 2011
Design system and submit permit applications.		August 31, 2010
Submit a more detailed plan for compliance and revised schedule, if needed, to EPA		August 31, 2010
Construct treatment system.		June 30, 2011
Complete installation of treatment system.		September 1, 2011

Please be advised that the HOA is required to comply with all provisions of the AO, including this schedule. Penalties for failing to comply are set forth in the AO. 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 callPeggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,

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

David Rali

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

 cc: Tina Artemis, EPA Regional Hearing Clerk Tom Barker, Operator
Craig Turlock, District Ranger, Pinedale Ranger District WY DEQ and WYDOH (via email)