



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Ref: 8 ENF-W

CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED

OCT 14 2008

Vickie Goodwin, Board Member  
Fairway Estates Homeowners Association  
32 Fairway Drive  
Douglas, Wyoming 82633

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

Dear Ms. Goodwin:

On May 5, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2008-0044, ordering Fairway Estates Homeowners Association (HOA), owner and/or operator of the Fairway Estates HOA Public Water System (the System) to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

Our records indicate that Fairway Estates HOA is in violation of the Administrative Order. Among other things, the Order included the following requirements (quoted from items 14, 20, 21, and 25 of the Order section on pages 3 and 4 of the Order).

1. If the System has a total coliform maximum contaminant level (MCL) violation while this Order is in effect, Respondent shall submit to EPA, within 30 days of the MCL violation, detailed plans for bringing the System into compliance with the MCL for coliform bacteria. 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the first MCL violation after this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from the Wyoming Department of Environmental Quality (DEQ) may be required for any changes to the System.

Respondent exceeded the total coliform MCL during June 2008 and has failed to submit a plan to EPA, and, therefore, violated this requirement. Please submit a plan to EPA immediately.

2. Prior to June 30, 2008 and again between July 1, 2008 and September 30, 2008, and per the regulations thereafter, Respondent shall monitor for radionuclides. 40 C.F.R. § 141.26(a). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

Respondent has not submitted any sample results for radionuclides to EPA. Please conduct this sampling immediately and submit the results to EPA.

3. Within 120 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing the System into compliance with the MCL for arsenic. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for arsenic. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 18 months from the date of the Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please note that approval from the Wyoming Department of Environmental Quality (DEQ) may be required for any changes to the System.

Respondent has failed to submit a plan for bringing the System into compliance with the MCL for arsenic to EPA, and, therefore, violated this requirement. Please submit a plan to EPA immediately.

4. Within 30 days of this Order, the Respondent must provide notice of the violations in paragraphs 3, 6, and 8 of this Order. 40 C.F.R. §§ 141.201, 141.202, 141.203 and 141.205. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). Respondent shall notify the public of these and any future violations by 1.) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; and 2.) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. 40 C.F.R. § 141.201 et seq. Please note that all violations that occurred in 2007, including the arsenic MCL, must also be included in Respondent's Consumer Confidence Report for 2007, which is due to be delivered to the Fairway Estates Homeowners Association community by July 1, 2008.

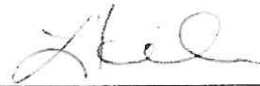
EPA has not received Respondent's public notice for the violations noted in the Order, nor for the June 2008 total coliform MCL. Please conduct the public notice immediately and submit a copy to EPA. Also, none of the violations occurring in 2007 were included in the Respondent's Consumer Confidence Report for 2007.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please contact Marc Weiner, Enforcement Attorney, at (303) 312-6913 or at the following address:

Marc Weiner  
Senior 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.



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

cc: Pete Leath, Operator  
Gary Fichman, Board Member  
WY DEQ (via e-mail)  
WY DOH (via e-mail)  
Tina Artemis, EPA Regional Hearing Clerk