



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 20 2007

Campbell County Commissioners
c/o Dan Coolidge
500 S. Gillette Avenue
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act
Enforcement Action against Glory Hole
Homeowners' Association
PWS ID # 5601490

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Glory Hole Homeowners' Association, Gillette, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ at 40 C.F.R. §§ 141.21, 141.23(d), 141.21(g)(2) and 141.31(b) for failure to monitor monthly for total coliform and annually for nitrate, and failure to notify EPA of the violations.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Doug Christiansen
Glory Hole Homeowners' Association
#6 North Pineview Drive
Gillette, WY 82716

Re: Administrative Order
Docket No. **SDWA-08-2007-0031**
PWS ID #5601490

Dear Mr. Christiansen:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the Glory Hole Homeowners' Association ("HOA") is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21, 141.23(d), 141.21(g)(2) and 141.31(b) for failure to monitor monthly for total coliform and annually for nitrate, and failure to notify EPA of the violations. This is the third Order issued to the HOA in the last five years for failing to monitor in accordance with the SDWA.

If the HOA complies with the enclosed Order for a period of at least twenty-four months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to

Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to James Stearns, Enforcement Attorney, at the above 800 number, extension 6912, or at (303) 312-6912.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
SBREFA
Funding Brochure

cc: WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 FEB 20 PM 1:47

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
)
Glory Hole Homeowners' Association)
Gillette, Wyoming)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0031**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Glory Hole Homeowners' Association (Respondent) is an association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Glory Hole Homeowners' Association Water System (the "System"), located in Campbell County, Wyoming, for the provision to the public of piped water for human consumption.
3. The Glory Hole Homeowners' Association Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section

401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a sanitary survey conducted by an agent for EPA on March 25, 2002, the System is supplied by one well with no treatment and serves approximately 75 persons per day through 24 service connections and is operational all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per month the system serves water to the public to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of May, June, August, September, October, November and December 2006, in violation of 40 C.F.R. § 141.21.

II.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.

2. Respondent last monitored for nitrate in April 2005 but failed to monitor in 2006, in violation of 40 C.F.R. § 141.23(d).

III.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section I of the Order, in violation of 40 C.F.R. § 141.21(g)(2).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section II above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondent shall comply with the MCL as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Within 30 days of the date of this Order, and per the regulations thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
4. Except where a different reporting period is specified in paragraph 3 above, upon the effective date of this Order Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
5. Reporting requirements specified in this Order shall be provided by certified mail to:


Drinking Water Unit
U. S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, Colorado 80202-1129

GENERAL PROVISIONS


1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 20th day of February, 2007.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WHERE TO OBTAIN FUNDING IN WYOMING



Privately-owned drinking water supplies are regulated by the U.S. EPA and the State of Wyoming

when 25 or more persons are served 60 or more days of the year.

At times, there is a need to repair or rehabilitate water supply facilities and equipment to protect public health and to comply with state or federal regulations.

Funding for privately-owned public water supplies is largely limited to direct loans from banks or loans guaranteed by two federal agencies. We offer some detail on the loan guarantee programs in this brochure to assist you in the search for funding to address your drinking water facility and equipment needs.

The Small Business Administration:

The U.S. Small Business Administration (SBA) may be able to help privately owned, for-profit businesses that own and operate water distribution systems. SBA provides financing for these businesses through local lenders utilizing SBA's guaranteed loan program (7a). SBA's portion of the final loan can be as large as \$1 million. This would allow a lender to offer a loan up to \$1.3 million with a 75 percent government guaranty. The SBA also partners with Small Business Development Centers (SBDC). These centers, located around Wyoming, help small businesses with accounting, marketing, cash flow and management issues.

Descriptions of all SBA programs and preferred lenders can be obtained at SBA's website: www.sba.gov

Office location: Casper

Phone: 307-261-6500

Email: sbawyo@sba.gov

SBDC: 800-348-5194

The USDA Rural Development program:

The USDA Rural Development Program may be able to provide you with a loan guarantee up to \$10 million. There is a minimum 10 percent equity requirement. Be prepared to discuss current cash flow, and future cash-flow projections.

Further details are available at the website:

www.rurdev.usda.gov

Office location: Casper

Phone: 307-261-6320

Do you have questions about drinking water regulations? Please call:

USEPA: 1-800-227-8917 x6327

WY DEQ: 307-777-7075

WY Dept of Agriculture: 307-777-6587

WY Dept. of Health: 307-777-7958

WY State Engineer: 307-777-6164



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

