



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street

DENVER, CO 80202-1129

Phone 800-227-8917

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

JUN 2 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Campbell County Commissioners
c/o Dan Coolidge, Chairman
500 S. Gillette Avenue, Suite 1100
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Southside Well Improvement and
Service District Public Water System
PWS ID# WY5600122

Dear County Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

A second Administrative Order is being issued to the Southside Well Improvement and Service District Public Water System, located in Gillette, Wyoming. The Order requires that this public water system take measures to return to compliance with the National Primary Drinking Water Regulations. The violations include failing to monitor the water for lead and copper contamination; failing to monitor monthly for chlorine residual; and failing to submit its Consumer Confidence Report on time to EPA.

For more details, 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

A handwritten signature in cursive script that reads "Diane L. Sipe".

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

Enclosure



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JUN 2 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Southside Well Improvement and Service District
c/o Rex Markley, Chairman
455 Carlisle Street
Gillette, Wyoming 82718

Re: Second Administrative Order
Docket No. **SDWA-08-2009-0047**
Southside Well Improvement and
Service District Public Water System
PWS ID# WY5600122

Dear Mr. Markley:

Enclosed is a second Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order describes how Southside Well Improvement and Service District has violated the National Primary Drinking Water Regulations. EPA's prior Order, Docket No. SDWA-08-2008-0097, issued to the Southside Well Improvement and Service District on September 2, 2008, remains in full force and effect.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Southside Well Improvement and Service District complies with the Order for at least 12 months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. The attorney assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures
Order

cc: Bret Wolz, Operator
Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ (via email)
Wyoming DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 JUN -2 AM 11:36

IN THE MATTER OF _____)
)
Southside Well Improvement and Service District)
Gillette, Wyoming)
)
Respondent _____)

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2009-0047**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f et seq., as properly delegated to the undersigned officials.

2. Southside Well Improvement and Service District (Respondent) is a municipality that owns and/or operates the Southside Well Improvement and Service District Public Water System (the System) in Campbell County, Wyoming, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well, and serves approximately 75 persons through 19 service connections year-round. The System is a "community water system" as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to monitor the chlorine residual in the System's distribution system at the same time and same location as the System's monthly total coliform samples. 40 C.F.R. § 141.132(c)(1)(i). Respondent failed to monitor for chlorine in October 2008, and, therefore, violated this requirement.

4. Respondent is required to distribute an annual Consumer Confidence Report (CCR) to its customers and provide a copy of the report to EPA by July 1 of each year. 40 C.F.R. §§ 141.152(b) and 141.155(c). Respondent failed to submit a copy of its 2007 CCR to EPA by July 1, 2008, and, therefore, violated this requirement. Respondent submitted its 2007 CCR to EPA on September 30, 2008.

5. Respondent is required to monitor the System's water every three years to determine compliance with the action levels for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent is required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper on August 23, 2005, and the next sampling was to be taken between June 1, 2008 and September 30, 2008. Respondent failed to sample lead and copper between June 1, 2008 and September 30, 2008, and, therefore, violated this requirement.

6. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the drinking water regulations) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 3, 4, and 5 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

7. Upon receipt of this Order, Respondent shall monitor the chlorine residual in the System's distribution system at the same time and same location as the System's monthly total coliform samples and report the results to EPA as required by the drinking water regulations. 40 C.F.R. §§ 141.132(c)(1)(i) and 141.134(c)(1).

8. Upon receipt of this Order, Respondent shall complete and distribute an annual CCR for the System and provide EPA a copy of the CCR by July 1 of each year and a certification by October 1 of each year. 40 C.F.R. §§ 141.155(c) and 141.152(b).

9. Between June 1 and September 30, 2009, Respondent shall monitor the System's water for lead and copper. Respondent shall monitor for lead and copper as required by the regulations thereafter. Respondent shall collect 5 samples during each sampling event. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

10. Respondent shall report any violation of the National Primary Drinking Water Regulations (except as noted above) to EPA within 48 hours. 40 C.F.R. § 141.31(b).

11. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

12. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

13. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 2nd day of June, 2009.

David Rochlin

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

L. Sipe for

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