



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

AUG 03 2010

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Fremont County Commissioners
c/o Doug Thompson, Chair
450 N. 2nd, Room 220
Lander, WY 82520

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Burlington Resources Lost Cabin Gas Plant
PWS ID#5601462

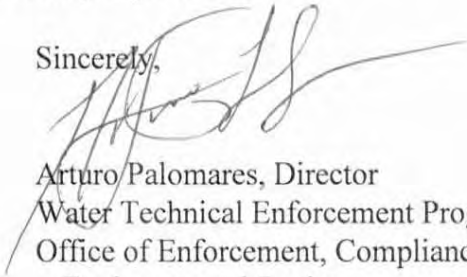
Dear Commissioners:

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

An Administrative Order is being issued to ConocoPhillips Company, as owner/operator of the Burlington Resources Lost Cabin Gas Plant in Lysite, 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 violations include exceeding the maximum contaminant level (MCL) for total trihalomethane (a disinfection byproduct) and for total coliform bacteria, failure to report all required information for disinfection byproducts monitoring, and failure to notify EPA of the violations.

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 Kathelene Brainich at (303) 312-6481.

Sincerely,


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Phone 800-227-8917

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

2010 AUG -3 AM 11:18

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

United States Corporation Company, Registered Agent
ConocoPhillips Company
1821 Logan Avenue
Cheyenne, WY 82001

Re: Administrative Order
Docket No. **SDWA-08-2010-0065**
Burlington Resources Lost Cabin Gas Plant
PWS ID #5601462

Dear United States Corporation Company:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the ConocoPhillips Company (Company) has violated the National Primary Drinking Water Regulations.

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 Company complies with the Order for twelve 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.

Please note that the Order requires the Company (Respondent) to submit a plan and schedule including achievable deadlines. If unexpected events occur that are beyond Respondent's control and that will require Respondent to request an extension of these deadlines, Respondent is responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. Respondent must provide the following information in any request for



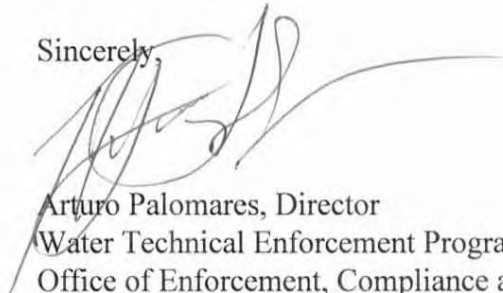
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extensions: a description of the work that has been completed and the additional work that will not be completed by the deadline dates, the unexpected events that occurred and how Respondent attempted to foresee or overcome these obstacles, and an explanation that justifies the new proposed deadline dates.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913, or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Enclosure

cc: Jim Pilon, Burlington Resources
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk



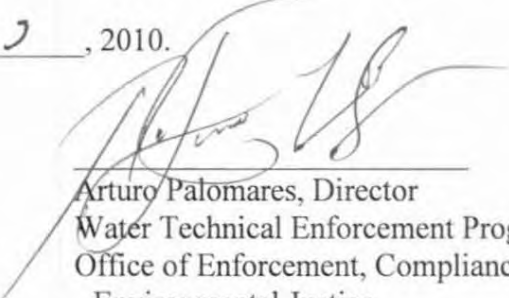
16. Respondent shall comply with the total coliform bacteria MCL. 40 C.F.R. § 141.63(a)(2).
17. Respondent shall report any DBP MCL violations to EPA within 10 days after the end of each quarter that the arithmetic average of samples taken over the last year exceed the MCL. 40 C.F.R. § 141.134(b).
18. If the system's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63,, Respondent notify the EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).
19. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring or, if another time period is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. § 141.31(b).
20. Respondent shall direct all reporting required by this Order to:

Kathelene Brainich
U.S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

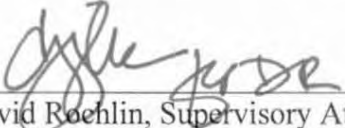
GENERAL PROVISIONS

21. This Order shall 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.
22. 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: August 3, 2010, 2010.



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice



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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 AUG -3 AM 11: 18

IN THE MATTER OF)
)
ConocoPhillips Company,)
)
Respondent.)

Docket No. SDWA-08-2010-0065
ADMINISTRATIVE ORDER

FILED
REGION VIII
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et. seq.* (the Act), as properly delegated to the undersigned officials.
2. ConocoPhillips Company is a Delaware corporation that owns and/or operates the Burlington Resources Lost Cabin Gas Plant Water System (the system) which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well which is treated by sodium hypochlorite. The field office is supplied by purchased water from the Town of Riverton.
4. The system has approximately 19 service connections and/or regularly serves an average of approximately 66 of the same individuals daily for at least 6 months out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2.

VIOLATIONS

5. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acids (HAA5) samples each quarter. 40 C.F.R. § 141.132(b)(1)(i). The maximum contaminant level (MCL) for TTHM is 0.080 mg/L as determined by a running annual average (RAA) of quarterly averages. 40 C.F.R. §§ 141.64 and 141.133(b)(1)(i). The RAA of quarterly averages of TTHM samples from the system exceeded the MCL for the 4th (October-December) quarter 2009, and the 1st (January-March) and 2nd (April-June) quarters 2010 and, therefore, Respondent violated this requirement.
6. Respondent is required to collect a set of TTHM and HAA5 samples each quarter to determine compliance with the disinfection byproduct (DBP) MCLs. 40 C.F.R. § 141.132(b)(1)(i). Respondent is required to report, among other things, the RAA of quarterly averages. 40 C.F.R. § 141.134(b). Respondent failed to submit a calculation form containing the RAA of quarterly averages for 1st (January-March) quarter 2010 and, therefore, Respondent violated this requirement.
7. If two or more samples collected in any month from the system's water are positive for total coliform, then Respondent has violated the MCL for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During November and December 2009 two or more samples from the system were positive for total coliform and, therefore, Respondent violated this requirement.

8. Respondent is required to report any DBP MCL violation to EPA within 10 days after the end of each quarter that the RAA of quarterly averages exceeds the MCL. 40 C.F.R. § 141.134(b). Respondent failed to report to EPA the DBP MCL violations listed in paragraph 5 above and, therefore, violated this requirement.
9. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the November 2009 MCL violation cited in paragraph 7, above and, therefore, violated this requirement. Respondent did promptly notify EPA of the December 2009 MCL violation.
10. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraph 7 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

11. Within 30 days of the receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent compliance with the TTHM MCL. 40 C.F.R. §§ 141.64 and 141.133(b)(1)(i). The plan shall include proposed system modifications, estimated cost of the modifications, and a schedule for completion of the project and compliance with the TTHM MCL. The proposed schedule shall include specific milestone dates and a final compliance date to be within 12 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications can be made to the system.
12. The plan and schedule required by paragraph 11, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.
13. Within 120 days of receipt of this Order, Respondent shall submit to EPA quarterly reports on the progress made in implementing the plan and schedule required by paragraph 11 above. Each quarterly report is due by the 10th day of the month following the end of each calendar quarter.
14. Respondent must comply with the TTHM MCL even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for non-compliance.
15. Respondent shall submit all TTHM and HAA5 required information, including the RAA, of quarterly averages, to EPA within 10 days after the end of each quarter in which samples are collected. 40 C.F.R. § 141.134(b).