



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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FILED
EPA REGION VIII
HEARING CLERK

MAY 27 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Patricia Smith
Mayor, Town of Lusk
P.O. Box 390
Lusk, Wyoming 82225

Re: Administrative Order Addendum and Violation Letter, the Town of Lusk Public Water System, PWS ID # WY5600032, Docket No. SDWA-08-2014-0056

Dear Mayor Smith:

This addendum to the Administrative Order (Order) issued September 30, 2014, to the Town of Lusk (Town), serves to incorporate into the Order the deadline of January 31, 2016, for the Town to submit a compliance plan and schedule for bringing the Town of Lusk Public Water System into compliance with the maximum contaminant level (MCL) for gross alpha particle activity (gross alpha). The Town requested an extension to provide time to secure funding to determine appropriate treatment and put a compliance plan and schedule in place.

Consistent with paragraph 11 of the Order, the new deadline to submit a compliance plan and schedule of January 31, 2016, is now an enforceable requirement of the Order. The Town is required to submit quarterly progress reports to EPA within 10 days of the end of each calendar quarter to report on funding and compliance options being considered. Pursuant to paragraph 20 of the Order, the EPA is authorized to seek penalties if these deadlines are not met. If the Town has a reasonable basis to believe it may be unable to meet the deadlines, it shall notify the EPA well in advance of the scheduled deadline to request an extension. The EPA may, in its discretion, consider granting an extension.

Additionally, EPA's records indicate that the Town is in violation of the Order. Among other things, the Order included the following requirements (from paragraph 10, on page 2 of the Order):

1. Within 30 days of receipt this Order, Respondent shall provide the EPA with a plan and schedule for the System to come into compliance with the gross alpha MCL in 40 C.F.R. § 141.66(c). The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the gross alpha MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within six

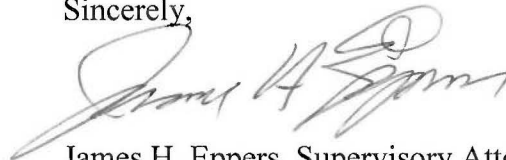


months from the date of the EPA's approval of the schedule). The schedule must be approved by the EPA before construction or modifications can begin.

The Town received the Order on October 3, 2014, and the plan and schedule were due to EPA by November 3, 2014. The Town submitted a letter requesting an extension on January 20, 2015.

Please be advised that the Town is required to comply with all provisions of the Order. Penalties for failing to comply are set forth in the Order. Please contact Olive Hofstader at (800) 227-8917, extension 6467, or (303) 312-6467 or via email at hofstader.olive@epa.gov if you have any questions concerning this Addendum. If you have legal questions and are represented by an attorney, please ask your attorney to contact Mia Bearley at the above 800 number, extension 6554, or at (303) 312-6554 or via email at bearley.mia@epa.gov.

Sincerely,



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, compliance
And Environmental Justice



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

cc: Mr. John Eddy, operator
WY DEQ/DOH (via email)

Ms. Tina Artemis, EPA Regional Hearing Clerk

