



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

MAR 31 2015

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Dave Daigle, Board President  
Stone Gate Estates Improvement and Service District  
P.O. Box 992  
Gillette, WY 82717

Frank Coy, Registered Agent  
Weston Engineering, Inc.  
1401 E. Hwy 16  
Upton, WY 82730

Re: Administrative Order regarding Stone Gate Estates, PWS ID #5601329,  
Docket # **SDWA-08-2015-0009**

Dear Messrs. Daigle and Coy:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Stone Gate Estates Improvement and Service District (District) and Weston Engineering, Inc. (Weston), as owners and/or operators of the Stone Gate Estates Improvement and Service District Public Water System (System), have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If the District and Weston comply with the Order, the 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.


The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires public notification of violations of the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov), or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov), or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

1. Order
2. Public Notice template
3. SBREFA information sheet

cc: Jerry Hunt, Weston Engr. (via email)  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk





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MAR 31 2015

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Matt Avery, Chair  
500 S. Gillette Avenue  
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water Act Enforcement Action against Stone Gate Estates Improvement and Service District, PWS ID # 5601329

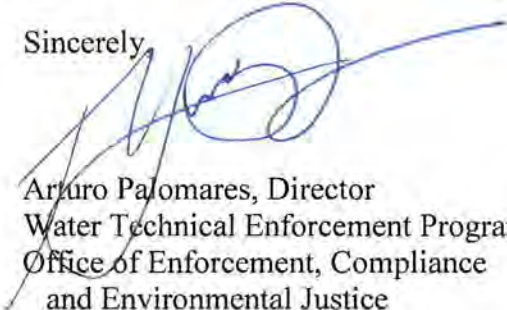
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Stone Gate Estates Improvement and Service District, as owner and/or operator of the Stone Gate Estates Improvement and Service District Public Water System, located in Campbell County, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to timely consult with the EPA after receiving written notice of significant deficiencies, failure to complete corrective action of the significant deficiencies in accordance with their approved corrective action schedule, and failure to notify the public and the 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



Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2015 MAR 31 AM 8:54

IN THE MATTER OF: )  
 )  
Stone Gate Estates Improvement )  
and Service District )  
 )  
and )  
 )  
Weston Engineering, Inc., )  
 )  
Respondents. )

Docket No. SDWA-08-2015-0009

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Stone Gate Estates Improvement and Service District is a District and Weston Engineering, Inc. is a Wyoming corporation that owns and/or operates the Stone Gate Estates Improvement and Service District Public Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption. Stone Gate Estates Improvement and Service District and Weston Engineering, Inc., are collectively referred to as "Respondents" in this Order.

3. The System is supplied by a groundwater source accessed by two wells. The System's water is treated by gas chlorination.

4. The System has approximately 67 service connections used by year-round residents and/or regularly serves an average of approximately 204 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

5. Respondents are subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondents are required to consult with EPA within 30 days of receiving written notice of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondents failed to consult with the EPA by April 1, 2011, after receiving written notice of significant deficiencies on March 2, 2011, and, therefore, violated this requirement. The EPA received a corrective action schedule from Respondents on April 29, 2011.

7. Respondents are required to complete corrective action of a significant deficiency in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The EPA approved Respondents' corrective action schedule to complete corrective actions by July 15, 2011, in a letter from the EPA on May 11, 2011. Respondents failed to complete corrective action of the significant deficiencies by July 15, 2011, and/or failed to notify the EPA of the completion of the corrective actions by August 15, 2011, and, therefore, violated this requirement. The significant deficiencies, along with others, were again identified during a November 6, 2013, sanitary survey. Respondents submitted initial pictures to the EPA on January 30, 2015, and again on March 13, 2015, to provide more detail, of the completed corrective actions for the improperly constructed overflows and drains and the lack of a proper #24-mesh non-corrodible screen on overflow pipes, drains and/or vents.

8. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA of having done so. Among other things, it is required that the CCR include any EPA identified significant deficiency that is uncorrected at the time of the report. 40 C.F.R. §§ 141.153 and 154. Respondents failed to include the uncorrected significant deficiencies in paragraph 7, above, in the 2011 through 2013 CCRs, and, therefore, violated this requirement.

9. Respondents are required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondents did not notify the public of the violations cited in paragraphs 6 and 7 above within 30 days and, therefore, violated this requirement.

10. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 6, 7, 8 and 9 above, to the EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

11. Respondents shall consult with EPA within 30 days of receiving written notice of any future significant deficiency. 40 C.F.R. § 141.403(a)(4).

12. Respondents shall complete any future significant deficiency corrective actions in compliance with an approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents shall notify the EPA within 30 days of completion of significant deficiency corrective actions and provide adequate documentation. 40 C.F.R. § 141.405(a)(2).

13. Respondents shall prepare and deliver an annual CCR which includes all required information, including any uncorrected significant deficiencies, to the system's customers by July 1 of each year and certify to the EPA of having done so by October 1, as required by 40 C.F.R. §§ 141.153 and 154.

14. Within 30 days of receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 6 and 7 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondents shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondents shall submit a copy of the notice to the EPA.

15. Respondents shall report any violation of the drinking water regulations to the EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in the drinking water regulations, within that other time period.

16. This Order shall be binding on Respondents, their assigns and heirs, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.

17. If Respondents (a) lease or sell the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondents shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondents shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hire another person or entity to operate the System.

18. Respondents shall direct all reporting required by this Order to:

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

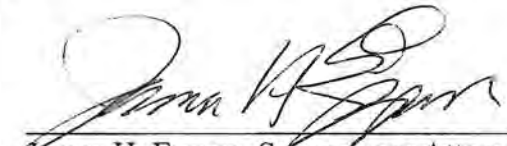
### **GENERAL PROVISIONS**

19. 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 the EPA to forgo any civil or criminal action.

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


21. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
22. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

Issued: 3/31, 2015.



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James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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

## **DRINKING WATER NOTICE**

### **STONE GATE ESTATES Failed to Timely Consult with the EPA and Failed to Correct Significant Deficiencies Within Required Time Frame**

Our water system was required to consult with the EPA regarding corrective action of significant deficiencies within 30 days of notification from the EPA of the deficiencies. The EPA notified the Stone Gate Estates on February 28, 2011, but did not receive a response until April 20, 2011.

Stone Gates Estates submitted a plan to the EPA committing to addressing the significant deficiencies by July 15, 2011. However, we failed to take all actions by the required date.

#### **What This Means**

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply. The significant deficiencies included overflows and drains improperly constructed and lack a proper #24-mesh non-corrodible screen to prevent contamination.

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\** These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**You may drink the water.** However, if you have specific health concerns, consult your doctor. If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

#### **Steps We Are Taking**

We have completed corrective actions on the significant deficiencies and provided the EPA with the required documentation on January 30, 2015. For more information, please contact Jerry Hunt of at 307-468-2427.

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice.*

\*\*\*\*\*

Certification

Complete & sign below and send a copy to the EPA at 1595 Wynkoop St., Attn: Brainich, 8ENF-W, Denver, CO 80202 or at Brainich.kathelene@epa.gov.

Method & Date distributed: \_\_\_\_\_

Signature \_\_\_\_\_



# Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice – Template-26

## Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

### Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The significant deficiency has been addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

### After Issuing the Notice

Make sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center Hotline -

to report oil and hazardous substance spills  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

### Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996

**Toxic Substances Control Act (TSCA) Hotline**

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

**Wetlands Information Helpline**

[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

**State and Tribal Web-Based Resources**

**State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

**State Small Business Environmental Assistance Programs (SBEAPs)**

[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

**EPA's Tribal Compliance Assistance Center**

[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

**EPA's Tribal Portal**

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

**EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

**EPA's Small Business Compliance Policy**

[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

This Policy offers small businesses special incentives to come into compliance voluntarily.

**EPA's Audit Policy**

[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

**Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

**Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*