



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street

DENVER, CO 80202-1129

Phone 800-227-8917

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

Ref: 8ENF-W

SEP - 2 2008

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.

An Administrative Order is being issued to the Southside Well Improvement and Service District Public Water System, located in Gillette, Wyoming. This Order requires that the public water system take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failing to monitor the water quarterly for radionuclide contamination; failing to monitor monthly for total coliform bacteria; failing to collect five additional total coliform samples after a positive sample result the preceding month; failing to post public notice; and failing to report the monitoring violations 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 Lisa Kahn at (303) 312-6869.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DENVER, CO 80202-1129
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SEP - 2 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Southside Well Improvement and Service District
c/o Rex Markley, Chairman
P.O. Box 3943, 445 Sinclair Street
Gillette, Wyoming 82719

Re: Administrative Order
Docket No. ~~SDWA~~-08-2008-0097
Southside Well Improvement and
Service District Public Water System
PWS ID# WY5600122

Dear Mr. Markley:

Enclosed is an 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.

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.


Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, please contact Lisa Kahn at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6896 or (303) 312-6896. For legal questions, the attorney assigned to this matter

is Jean Belille, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

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
Information sheet

cc: Wyoming DEQ
Wyoming DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 SEP - 1 11:13 AM

IN THE MATTER OF)	
)	
Southside Well Improvement and Service District)	ADMINISTRATIVE ORDER
Gillette, Wyoming)	
)	Docket No. SDWA-08-2008-0097
Respondent)	

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, as properly delegated to the undersigned officials.

2. Southside Well Improvement and Service District (Respondent) is a district 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 people 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 was required to initially monitor the System's water for four consecutive, quarterly samples during 2007 to determine compliance with the maximum contaminant level (MCL) for radionuclides. 40 C.F.R. § 141.26(a). Respondent sampled the water for contamination of radionuclides in the 1st (January-March) quarter in 2007, but failed to monitor the water for contamination of radionuclides for the remaining three quarters of 2007 and, therefore, violated this requirement.

4. Respondent is required to monitor the water at least once per month for compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water in November 2003, July 2006, November 2007, and January and February 2008, and, therefore, violated this requirement.

5. The drinking water regulations require public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month they provide water to the public. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least 5 routine samples in February 2007 after a total coliform positive sample in the preceding month and, therefore, violated this requirement.

6. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the July 2006 violation and February 2007 violation listed in paragraphs 4 and 5 above respectively and, therefore, violated the requirement. Public

notice for the 2007 failure to monitor radionuclides, and the November 2007 and January and February 2008 failure to monitor total coliform violations are not yet past due.

7. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within 10 days after learning of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA total coliform monitoring violations listed in paragraphs 4 and 5 above and, therefore, violated this requirement.

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

ORDER

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

9. Prior to September 30, 2008 and again between October 1, 2008 and December 31, 2008, and per the regulations thereafter, Respondent shall monitor for radionuclides. 40 C.F.R. § 141.26(a).

10. Upon receipt of this Order, Respondent shall monitor for total coliform bacteria once per month as defined in the regulations. 40 C.F.R. § 141.21.

11. Upon receipt of this Order, Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples.

12. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violations specified in paragraphs 3 through 5 above, except for the November 2003 total coliform monitoring violation. 40 C.F.R. §§ 141.201, 141.202 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Respondent must issue a repeat notice every three months for as long as the violation persists. Respondent shall notify the public of any future violations. Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

13. Upon the effective date of this Order, Respondent shall report all analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

14. Any violation of total coliform monitoring requirements shall be reported to EPA within 10 days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

15. 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).

16. 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

17. 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.

18. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

8/26/08
Date

Matthew Cohn
David J. Janik, Acting Director
Matthew Cohn, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

25 August 2008
Date

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