



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

SEP 24 2012

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Sublette County Commissioners  
c/o Joel E. Bousman, Chair  
P.O. Box 250  
Pinedale, WY 82941

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Anticline  
Disposal (NGL Energy Partners LP)  
PWS ID 5601635

Dear Commissioners:

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

An Administrative Order is being issued to NGL Energy Partners LP (NGL). This Order requires that NGL, as owner and/or operator of the Anticline Disposal public water system (System), take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include exceedance of the fluoride maximum contaminant level and failure to promptly notify the public and the EPA of the violation.

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,

A handwritten signature in black ink, appearing to read "Arturo Palomares", written over a horizontal line.

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

Enclosure



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SEP 3 4 5015



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SEP 24 2012

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Corporation Trust Company, Registered Agent  
NGL Energy Partners LP  
1209 Orange Street  
Wilmington, DE 19801

Re: Administrative Order  
Anticline Disposal Public Water System  
Docket No. **SDWA-08-2012-0054**  
PWS ID #5601635

Dear Registered Agent:

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 NGL Energy Partners LP (NGL), as owner and/or operator of the Anticline Disposal water system (System), has 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.

If NGL complies 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 Order requires NGL to notify the public of having violated the Drinking Water Regulations. Enclosed please find two public notice templates 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) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from NGL's attorney



should be directed to Jean Belille, Enforcement Attorney, who may 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,



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

Enclosures:

Order  
Public Notice templates

cc: Nancy MacKenzie, Anticline Disposal  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 SEP 24 AM 10: 20

IN THE MATTER OF: )  
NGL Energy Partners LP, )  
Respondent. )

Docket No. SDWA-08-2012-0054

ADMINISTRATIVE ORDER

FILED  
REGION 8  
SEP 24 2012

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. NGL Energy Partners LP (Respondent) is a Delaware corporation that owns and/or operates the Anticline Disposal Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The System's water is not treated.
4. The System has approximately 4 service connections and/or regularly serves an average of approximately 35 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 section 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.
5. Respondent is 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. The Maximum Contaminant Level (MCL) for fluoride is 4 milligrams per liter (mg/l), with compliance to be based on a running annual average (RAA) of fluoride samples. 40 C.F.R. §§ 141.23(i) and § 141.62(b). The RAA of fluoride samples from the System for the 4<sup>th</sup> quarter 2011 through the 3<sup>rd</sup> quarter 2012 exceeded 4 mg/l and, therefore, Respondent violated the fluoride MCL.
7. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to timely notify the public of the violation cited in paragraph 6 and, therefore, violated this requirement. Respondent was notified of the 4<sup>th</sup> quarter 2011 fluoride results by a letter from the laboratory dated November 2, 2011, but did not provide public notice until August 7, 2012.
8. Respondent is 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). Respondent failed to report the violations cited in paragraphs 6 and 7, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

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

9. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a compliance plan and schedule for the System to come into compliance with the MCL for fluoride as stated in 40 C.F.R. § 141.62(b). 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 fluoride MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of the EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by the EPA before construction or modifications may begin. The EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.

10. The plan and schedule required by paragraph 9, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

11. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 9, above, Respondent shall notify the EPA of the project's completion.

12. Respondent shall achieve and maintain compliance with the fluoride MCL by the final date specified in the approved plan, or no later than six months after receipt of the EPA's approval of the plan and schedule required by paragraph 9 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

13. Respondent shall continue to notify the public of the violation cited in paragraph 6, above, as long as the violation persists. If the System exceeds the secondary MCL of 2 mg/L but not the MCL of 4 mg/L, a special notice with different health effects language must be issued. Respondent shall follow the instructions provided with the public notice templates provided with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

14. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a



different time period for reporting is specified in this Order or the Drinking Water Regulations. Respondent shall report within that different period.

15. Respondent shall direct all reporting required by this Order to:

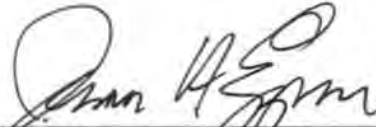
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129


**GENERAL PROVISIONS**

16. 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.

17. 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; 40 C.F.R. part 19.

Issued: Sept. 24, 2012.

  
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



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Anticline Disposal Has Levels of Fluoride Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did (are doing) to correct this situation. We routinely monitor for the presence of drinking water contaminants. We received notice that the four quarterly samples collected in 2011 and the four quarterly samples from 4<sup>th</sup> quarter 2011 to 3<sup>rd</sup> quarter 2012 showed that our system exceeds the standard, or maximum contaminant level (MCL), for fluoride. The average level of fluoride was greater than the standard for fluoride of 4.0 mg/l.

#### What should I do?

• **Children under the age of nine should use an alternative source of water that is low in fluoride.** In addition, you may want to consult your dentist about whether to avoid dental products containing fluoride. Adults and children over age nine should consult their dentist or doctor and show him/her this notice to determine if an alternate source of water low in fluoride should be used.

#### What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. Fluoride in small amounts helps prevent tooth decay. *\*However, some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or greater may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums.\** Although it takes many years of exposure to fluoride for bone disease to develop, mottling can occur after a relatively short period of exposure.

#### What is being done?

Describe corrective action:

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We anticipate resolving the problem within [estimated time frame]: \_\_\_\_\_

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_.  
(name) (phone number)

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

After posting the notice for 7 days, send a copy of the notice to the EPA with the dates posted and your signature.

Public notice was posted from \_\_\_\_\_ to \_\_\_\_\_ signature  
(date) (date)

## Template on Reverse

Since exceeding the fluoride maximum contaminant level (MCL) is a Tier 2 violation, 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. If you exceed the secondary maximum contaminant level of 2 milligrams per liter but not the MCL of 4 milligrams per liter, you must issue a special notice with different health effects language. See Chapter 3 or Template 3-5 for more information.

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

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

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this 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 and with an asterisk on either end. You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

### Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with fluoride violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We are working with EPA & WY DEQ to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove fluoride or connecting to [system]'s water supply.
- We have adjusted the amount of fluoride added to the water so that levels are lower and we meet the standards.
- We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.
- We will increase the frequency at which we test the water for fluoride.
- We have since taken samples at this location and had them tested. They show that we meet the standards.

### Repeat Notices

If this is an ongoing violation and/or you fluctuate above and below the MCL, it is a good idea to give the history behind the violation. You should list the date of the initial detection, as well as how levels have changed over time. If levels are changing as a result of treatment you should indicate that fact.

### After Issuing the Notice

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

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Elevated Fluoride Levels Detected in ANTICLINE DISPOSAL**  
**August 2012**

*This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by Anticline Disposal has a fluoride concentration of 6 mg/l. Dental fluorosis in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water. Drinking water containing more than 4 mg/l of fluoride (the US Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.*

*For more information, please call Nancy MacKenzie at 307-360-3390. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.\**

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

.....  
**CERTIFICATION;**

Public notice for secondary fluoride MCL posted from \_\_\_\_\_ to \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Template on Reverse

For any exceedance of the fluoride secondary maximum contaminant level (SMCL), you must provide Tier 3 notification to persons served as soon as practical, but within 12 months after you learn of the exceedance (40 CFR 141.208), using the provided mandatory language and filling in the blanks. Your primacy agency may have more stringent deadlines or other requirements. Because fluoride at levels above the SMCL can permanently discolor children's teeth, you are urged to issue this notice as soon as practical.

Noncommunity systems that monitor for fluoride are encouraged to notify their consumers if they exceed the SMCL, especially at water systems serving children. If you exceed the MCL of 4 mg/l, you must provide Tier 2 notification within 30 days of learning of the violation [40 CFR 141.203(a)]. See Template 2-4.

Community systems must use one of the following [40 CFR 141.204(c)]:

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

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the exceedance is resolved. If the exceedance has been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 141.208(a)]. Although you may add to the notice, as suggested below, you must leave the mandatory language unchanged.

## Mandatory Language

Mandatory language for fluoride SMCL exceedances (40 CFR 141.208) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

## Explaining the Situation

Use the following language, if applicable:

- Fluoride contamination is rarely due to human activity. Fluoride occurs naturally in some areas and is found in high concentrations in the aquifer of our source water.

If the fluoride levels in the water have returned to below the SMCL, be sure to make this clear in your notice.

## Corrective Actions

In your notice, you should describe corrective actions you took or are taking, if any. The bullet below describes one action commonly taken by water systems with fluoride SMCL exceedances. You can use this language, or develop your own:

- We are continuing to monitor fluoride levels. We will inform you if they exceed the limit of 4 mg/l.

## After Issuing the Notice

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