



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

AUG 27 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Duane Smelser, President
Southfork Estates Improvement & Service District
P.O. Box 2362
Gillette, WY 82717

Re: Administrative Order
Southfork Estates Improvement & Service District
Public Water System
Docket No. **SDWA-08-2013-0062**
PWS ID # WY5600832

Dear Mr. Smelser:

Enclosed is an Administrative Order (Order) issued by the United States 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 Southfork Estates Improvement & Service District (District), as owner and/or operator of the Southfork Estates public 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 pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any changes and/or improvements to the system, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If the District 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.

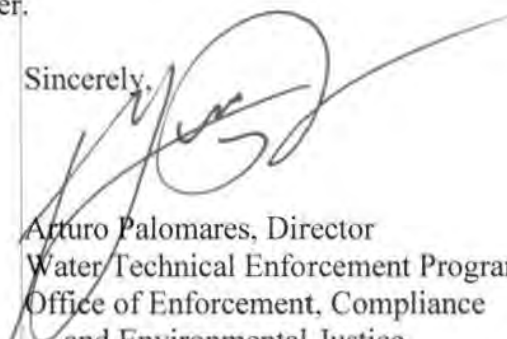
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the

mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the District's attorney should be directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905, or (303) 312-6905.

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
SBREFA Information Sheet

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Duaine Faucett, Operator (via email)



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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 27 2013

Campbell County Commissioners
c/o Dan Coolidge, Chair
500 South Gillette Ave., Suite 1100
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act Enforcement
Action against Southfork Estates Public Water System
PWS ID # WY5600832

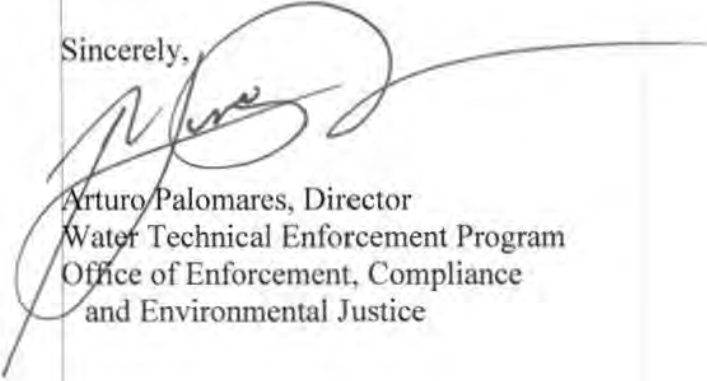
Dear Commissioners:

The Safe Drinking Water Act (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 Southfork Estates Improvement & Service District which owns the Southfork Estates Public Water System located in Campbell County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for radionuclides.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,



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

Enclosure:
Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF:)
)
Southfork Estates)
Improvement & Service)
District)
)
Respondent.)

2013 AUG 27 AM 8:19
Docket No. SDWA-08-2013-0052
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. Southfork Estates Improvement & Service District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Southfork Estates Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by groundwater through one well. The water is treated with chlorine disinfection.
4. The System has approximately 45 service connections used by year-round residents and regularly serves an average of approximately 138 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. 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System's water for certain radionuclides once every quarter. 40 C.F.R. § 141.26(a)(3)(v). Respondent failed to monitor the System's water for radionuclides during the 4th quarter (October – December) of 2010, and, therefore, violated this requirement.
8. The maximum contaminant level (MCL) for combined radium-226 and radium-228 (combined radium) is 5 picocuries per liter (pCi/L). 40 C.F.R. § 141.66(b). If the running annual average determined after four consecutive quarterly samples exceeds the MCL, this is a violation of the MCL. 40 C.F.R. § 141.26(c)(3)(i). Combined radium monitoring results from the System's water during the 4th quarter of 2012 and the 1st and 2nd quarters of 2013, computed on a running annual average basis according to 40 C.F.R. § 141.26(c)(3), exceeded the combined radium MCL. Respondent, therefore, violated the combined radium MCL.

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. Respondent shall monitor the System's water for radionuclides as required by the Drinking Water Regulations. Respondent is next required to sample for radionuclides during the 3rd quarter (July – September) of 2013. 40 C.F.R. § 141.26(a)(3)(v). Respondent shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the radionuclides monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
10. Within 60 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 40 C.F.R. § 141.66(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 combined radium MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The schedule must be approved by the EPA before construction or modifications can begin. Please note that certain compliance technologies for radionuclides have important use limitations and requirements per 40 C.F.R. § 141.66(h). For this reason, the EPA suggests Respondent consult with the EPA prior to submission of its proposed schedule and plan for compliance for the EPA's consideration. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.
11. The plan and schedule required by paragraph 10, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA.
12. Respondent shall achieve and maintain compliance with 40 C.F.R. § 141.66(b) by the final date specified in the approved compliance schedule. Respondent shall meet that deadline even if the plan as submitted does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance. While not creating any right to an extension, the EPA, in its discretion, may consider granting an extension to this deadline under limited circumstances. If unexpected events occur that are beyond the Respondent's control and that may require the Respondent to request an extension of this deadline, the Respondent is responsible for notifying the EPA well in advance of the deadline date. The EPA will not consider extending the deadline without a clear justification for their need. The Respondent must provide the following information in writing for any request for an extension: a description of the work that has been completed and the additional work that may not be completed by the deadline date, the unexpected events that have occurred or may occur and how the Respondent has attempted to foresee and use its best efforts to overcome these obstacles, and a proposed new deadline date with a justification for the length of the proposed extension.
13. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 10, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. § 141.66(b). Each quarterly report is due by the 10th day of the month following the end of the relevant quarter.

14. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

15. Respondent shall send all reporting and notifications required by this Order in writing to:

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

GENERAL PROVISIONS

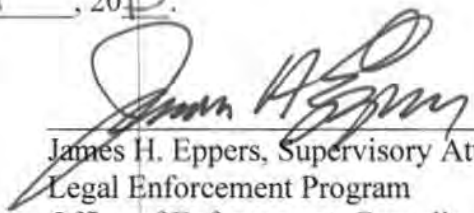
16. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

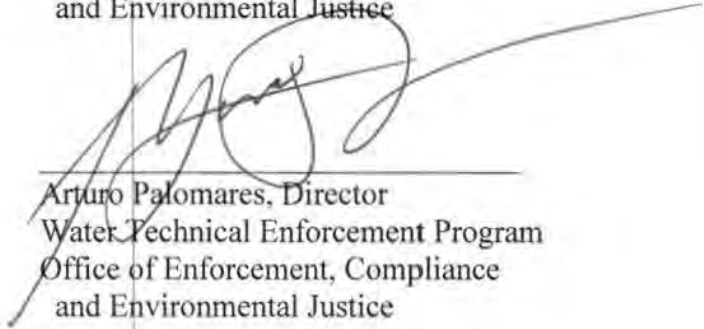
17. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

18. Respondent 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).

19. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: August 27, 2013.


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

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

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - 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

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/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ecar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

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 or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

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 or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

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 or 1-800-296-1996