



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

JUL 28 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Jeff Ketchum, Chairman
310 W. 19th Street, Suite 300
Cheyenne, Wyoming 82001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Winchester Hills Utility, T.F.S. II, LLC, and
Certified Water Specialists, LLC
Winchester Hills, PWS ID# WY5600779

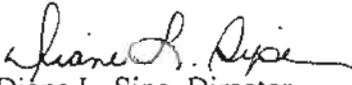
Dear County Commissioners:

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 Winchester Hills Utility, T.F.S. II, LLC, and Certified Water Specialists, LLC for the Winchester Hills Public Water System, located approximately 6 miles southwest of Cheyenne, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to timely report 2007 and 2008 radionuclide analytical results to EPA; failure to collect a monthly total coliform sample; failure to post public notice; and failing to report such 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 Melanie Wasco at (303) 312-6540.

Sincerely,


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

Enclosure



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Ref: 8ENF-W

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CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Winchester Hills Utility, T.F.S. II, LLC
Attn: Bret Vizina, Registered Agent
1124 Dunn Avenue
Cheyenne, WY 82001

Certified Water Specialists, LLC
Attn: John Trefren, Registered Agent and PWS Operator
3515 Campstool Rd.
Cheyenne, WY 82007

Re: Administrative Order
Docket No. **SDWA-08-2008-0083**
Winchester Hills PWS
PWS ID# WY5600779

Dear Messrs. Vizina and Trefren:

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 Winchester Hills Utility, T.F.S. II, LLC, and Certified Water Specialists, LLC have 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 you comply 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 Melanic Wasco at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6540 or (303) 312-6540. 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 JUL 28 PM 12:15

IN THE MATTER OF)
)
Winchester Hills Utility, T.F.S. II, LLC)
Cheyenne, Wyoming)
)
Certified Water Specialists, LLC)
Cheyenne, Wyoming)
)
Respondents)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2008-0083**

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. Winchester Hills Utility, T.F.S. II, LLC (Respondent) and Certified Water Specialists LLC (Respondent) are corporations that own and operate, respectively, the Winchester Hills Water System (the System) in Laramie County, Wyoming, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of three wells, and serves approximately 600 people through 200 service connections all year. The System is a "community" water system as defined in 40 C.F.R. § 141.2. Respondents are 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. Respondents are required to report analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Respondents sampled the water for contamination of radionuclides in the 1st (January-March), 2nd (April-June), 3rd (July-September), and 4th (October-December) quarters of 2007, and in the 1st (January-March) quarter of 2008, but failed to report the analytical results to EPA until June 4, 2008, and, therefore, violated this requirement.

4. Respondents are 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). Respondents failed to monitor the System's water in February 2004 and, therefore, violated this requirement.

5. Respondents are 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). Respondents failed to report to EPA total coliform monitoring violations listed in paragraph 4 above and, therefore, violated this requirement.

6. Respondents are required to notify the public of any violations of the drinking water regulations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements and testing procedures. 40 C.F.R. § 141.201. Respondents failed to notify the public of the violation outlined in paragraph 4 above and, therefore, violated this requirement.

7. Respondents are 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). Respondents 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, Respondents are ordered to perform the following actions:

8. Upon receipt of this Order, Respondents shall report all analytical results to EPA within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of radionuclides monitoring or other drinking water regulation requirements shall be reported to EPA within 48 hours. 40 C.F.R. § 141.31(b).

9. Upon receipt of this Order, Respondents shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Any violation of total coliform monitoring requirements shall be reported to EPA within 10 days after the Respondents learn of it. 40 C.F.R. § 141.21(g)(2).

10. Within 30 days of the effective date of this Order, Respondents must provide public notice of the violation specified in paragraph 4 above. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondents 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). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than 7 days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondents shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

11. 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

12. 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.

13. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondents 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.

20 July 2008
Date

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

JUL 18 2008
Date

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