



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W

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EPA REGION VIII
RECORDS CLERK

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

The Honorable Richard Schroeder, Mayor
Town of Manville
P.O. Box 107
Manville, WY 82227

Re: 2nd Addendum to Administrative Order
Town of Manville Public Water System
Docket No. SDWA-08-2010-0071
PWS ID #WY5600110

Dear Mayor Schroeder:

This letter approves a change to the plan for addressing the Town of Manville's uranium violations, and adds another type of violation and corrective action requirement to the August 26, 2010, Administrative Order (Order). **The Town of Manville is now required to prepare and deliver its calendar year 2010 Consumer Confidence Report to its customers within 30 days and to submit a copy to EPA.** (See page 3 of this letter.) Failure to comply with this requirement constitutes a violation of the Order.

Approval of Changes to Town's Plan:

Pursuant to paragraph 13 of the "Order" section in the Order issued August 26, 2010, to the Town of Manville (the Town) by the U.S. Environmental Protection Agency (EPA), this Addendum to the Order incorporates a revised schedule for completing system modifications outlined in the September 10, 2011, letter to EPA from you on behalf of the Town, as clarified via an email from Murray Schroeder, consulting engineer for the Town, on December 1, 2011. EPA approved the Town's original plan and schedule in its Addendum of May 9, 2011. This letter constitutes the written approval by EPA of the Town's revised schedule as indicated in the chart below.

This extension follows notice from the Town's engineer and contractors on the test well study (step No. 2, below) that the study underway would not produce an evaluation of the local water supply situation in advance of the originally planned deadline. The Technical Memorandum provided by contractor Wyoming Groundwater LLC on August 17, 2011, explains that the Hartville Formation, which, it was hoped, would be an accessible source for municipal water for the Town, is in fact located far beneath Manville (possibly approaching depths of 1000 feet). Further, the contractor's surveys confirmed that Arikaree formations overlying Hartville formations beneath the Town's corporate limits exhibit uranium concentrations exceeding drinking water quality standards. According to the Technical Memorandum, "[c]onsequently, groundwater exploration/evaluation activities will occur outside the corporate limit on property that is not owned or controlled by the Town." Negotiations for necessary access and land purchase agreements, along with State permitting and NEPA compliance requirements, were

anticipated to delay planned “Level II” (test well) activities into the spring or summer of 2012, necessitating the Town’s extension request.

The compliance plan and schedule approved by EPA in its Addendum of May 9, 2011, included several tasks that were to be completed if funding for the Level II investigation was not approved. Since this funding has been approved, those items (the former steps 11 through 13) are not included in this revised plan and schedule.

<u>Step</u>	<u>Action</u>	<u>Completion Deadline</u>
1.	Submit application to Wyoming Water Development Commission (WWDC) funding for Level II investigation for test well to evaluate deep aquifer source for Town.	September 30, 2010 (completed)
2.	Determine if test well is satisfactory. If so, go to Step 3; if not, go to Step 8.	September 30, 2012
3.	Submit application for WWDC and/or State Revolving Fund (SRF) financing for incorporation of well into Town water system (e.g., for possible blending, etc.). If funding is approved by February 28, 2013, go to Steps 4, 5, 6, and 7; if not, notify EPA within ten days of the denial of funding and go to Step 8.	September 30, 2012
4.	Complete Level II investigation (permitting, procurement, drilling, and evaluation of test well).	January 31, 2013
5.	Complete final design and obtain all necessary permits for new operational deep well.	November 1, 2013
6.	Complete bidding for new operational deep well infrastructure project.	February 1, 2014
7.	Complete construction for new operational deep well infrastructure project.	September 30, 2014
8.	Submit application for SRF financing for POU/POE treatment throughout system. If funding is approved, go to Steps 9 and 10; if not, notify EPA within ten days of disapproval	December 15, 2012
9.	Obtain approval of SRF financing, complete final design, obtain all necessary permits, and complete project bidding.	July 31, 2013
10.	Complete POU/POE project.	December 31, 2013

As EPA noted in its addendum of May 9, 2011, the above schedule lists the actions to be taken by the Town. The Town and/or its contractors should consult with the Wyoming Department of Environmental Quality (DEQ) to ensure that the Wyoming DEQ's approval of plans and specifications (engineering plans) is obtained, as needed, for any possible modifications to the system identified in this plan.

As in the prior addendum, the plan includes two alternatives, building a new deep well infrastructure, or installing point of use (POU) and/or point of entry (POE) treatment, depending upon outcomes of applicable studies and funding applications.

Please note that the POU/POE alternative may require further consultations with EPA and may entail additional requirements. Consequently, if funding is denied for any step in the process of building a new deep well and the Town therefore needs to pursue POU/POE, the Town will need to notify EPA within ten days. In the event that the Town fails to obtain funding for the POU/POE alternative, the Town will also need to notify EPA.

If the actions listed in this schedule do not result in compliance with the MCL for uranium, EPA may require additional actions.

EPA expects this approved schedule to be met. While not creating any right to an extension, EPA may in its discretion consider granting an extension to any deadline in the schedule under limited circumstances. If unexpected events occur that are beyond the Town's control and that may prompt the Town to request an extension of these deadlines, the Town will be responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. The Town must provide the following information in any request for extensions: a description of the work that has been completed and the additional work that may not be completed by the deadline dates, the unexpected events that occurred and how the Town attempted to foresee or overcome these obstacles, the proposed new deadline dates, and an explanation that justifies the new proposed deadline dates.

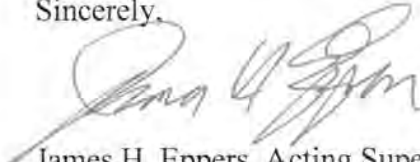
Additional Violation Added to Order:

The Town is required to prepare and deliver an annual Consumer Confidence Report (CCR) to its water customers by July 1st of each year and to certify to the EPA that it has done so by October 1st of each year, per 40 C.F.R. §§ 141.151-141.155. As the Town failed to prepare or deliver to its customers its CCR for calendar year 2010, as well as to provide EPA its annual certification, the Town violated this requirement. **Therefore, within 30 days of receiving this Addendum, the Town is now ordered to prepare and deliver its CCR for calendar year 2010 and provide the required certification to EPA.**

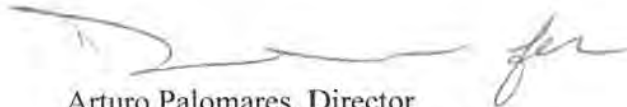
Please be advised that the Town is required to comply with all provisions of the Order. Penalties for failing to comply are set forth in the Order. Technical questions regarding this matter may be directed to Mario Mérida at (303) 312-6297. The Town's attorney may also contact Peggy Livingston, Enforcement Attorney, at (303) 312-6858 with any questions.

EPA thanks the Town of Manville for its ongoing efforts to ensure safe drinking water for users of its public water system.

Sincerely,



James H. Eppers, Acting 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

cc: WY DOH & DEQ (via email)
Tina Artemis, EPA Regional Hearing Clerk
Linda Matlock, Clerk/Treasurer, Town of Manville (via email)
Murray Schroeder, Civil Engineer, Branch Manager, WWC Engineering