



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

APR 17 2008

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Dennis Hacklin, Mayor
Town of LaBarge
P.O. Box 327
LaBarge, WY 83123

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Woodrow D. Studt, Registered Agent
Diamond Energy Services, Inc.
288 John Marx Street
LaBarge, WY 83123

Re: Administrative Order
Town of LaBarge
Public Water System
Docket No. **SDWA-08-2008-0041**
PWS ID # WY5600222

Dear Mayor Hacklin and Mr. Studt:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the Town of LaBarge and Diamond Energy Services, Inc. (the Respondents) have violated the National Primary Drinking Water Regulations (drinking water regulations).

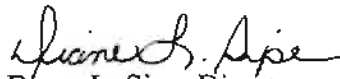
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Respondents comply with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

On March 10, 2005, EPA issued an Administrative Order, Docket No. SDWA-08-2005-0011, to the Town of LaBarge for violations of the drinking water regulations that are separate from the violations noted in this Order. Please be advised that the Town of LaBarge is still required to comply with the March 10, 2005 Administrative Order.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions, the attorney assigned to this matter is Peggy Livingston, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosure:

Order, including four exhibits

cc:

WY DEQ, (via e-mail)
WY DOH, (via e-mail)



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APR 17 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lincoln County Commissioners
c/o Kent Connelly, Chair
925 Sage Ave.
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of LaBarge, WY
PWS ID# WY5600222

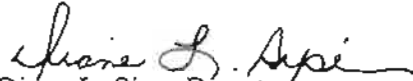
Dear County Commissioners:

The Safe Drinking Water Act (the Act) 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 Town of LaBarge, Wyoming and Diamond Energy Services, Inc. (Respondents), owner and operator respectively. This Order requires that the Respondents take measures to return the Town of LaBarge public water system to compliance with the Act and the National Primary Drinking Water Regulations. The violations include failure to filter, failure to issue a Consumer Confidence Report to its water users, and failure to issue public notice of violations of the drinking water regulations.

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 Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosures:
Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 APR 17

IN THE MATTER OF)
)
Town of LaBarge and)
Diamond Energy Services, Inc.)
LaBarge, Wyoming)
)
Respondents)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2008-0041**

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. The Respondent Town of LaBarge (Town) is a municipality that owns and/or operates the Town of LaBarge Water System (the system) in Lincoln County, Wyoming which provides piped water to the public for human consumption.

3. The Respondent Diamond Energy Services, Inc. (Diamond) is a Wyoming corporation that operates the system.

4. The system serves approximately 510 people per day through 225 service connections year round. The system is a "community" water system as defined in 40 C.F.R. §141.2. The 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.

5. The system is currently supplied water from two sources: (1) surface water, which is taken from the Green River through a basket strainer and is currently filtered and disinfected by a temporary water treatment plant that began operations in early 2008, and (2) an infiltration gallery source, which is not currently filtered. The system combines water from each of these sources at its raw water wet well, thereby mixing filtered and unfiltered water. The combined water is then chlorinated and sent to the system's customers.

6. The Respondents were notified by a letter from EPA dated May 17, 2006 that the infiltration gallery's water was ground water under the direct influence of surface water and therefore that the system would need to comply with 40 C.F.R. part 141 subparts H and T by November 30, 2007. The letter outlined specific options for compliance. These included (a) disinfection and filtration as required by 40 C.F.R. §§141.72(b), 141.73, and 141.550 through 141.564, (b) disinfection and meeting criteria for avoiding filtration as required by 40 C.F.R.

§§141.71, 141.72(a), and 141.520 through 141.522, or (c) discontinuing use of the infiltration gallery and permanently connecting to an alternate water source.

VIOLATIONS

7. Despite having been notified by EPA's May 17, 2006 letter of the requirement for the infiltration gallery to comply with 40 C.F.R. part 40, subparts H and T by November 30, 2007, Respondents have yet to do so and therefore violated this requirement.

8. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1 of each year. The CCR is to include information about the quality of the system's water. 40 C.F.R. §§141.152-141.155. Respondents failed to prepare and deliver to their customers the annual CCR for the calendar year 2006 and therefore violated this requirement.

9. Respondents are required 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.* Respondents failed to notify the public of the violations outlined in Paragraph 7 above, and therefore violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions:

10. Within 120 days of the effective date of this Order, Respondents shall provide EPA with a compliance plan and schedule for the system to come into compliance with 40 C.F.R. part 141, subparts H and T, by meeting any and all filtration, filtration avoidance, and disinfection requirements that apply to each source. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the above-mentioned regulations. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 24 months from the date of EPA's approval of the plan). The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondents' plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications can 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 EPA.

12. Within 90 days of receiving EPA's approval of the plan and schedule required by paragraph 10, above, Respondents shall submit to EPA quarterly reports on the progress made



toward bringing the system into compliance with 40 C.F.R. part 141, subpart H and T. Each quarterly report is due by the 10th day of the month following the end of each calendar quarter.

13. Respondents must achieve and maintain compliance with 40 C.F.R. part 141, subparts H and T by the final date specified in the approved plan, or no later than 24 months after receiving EPA's approval of the plan and schedule required by paragraph 10, above, whichever is earliest. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

14. Upon the effective date of this Order and until modifications outlined in the approved plans (required by paragraph 10, above) are completely implemented, Respondents shall comply with the following measures:

- a. For filtered surface water (at points A on Exhibit 1):
 - i. Provide continuous chlorination disinfection and measure the free chlorine residual continuously or at least twice daily at point "A-Cl₂" on Exhibit 1. 40 C.F.R. §§141.72(b) and 141.74(c)(2).
 1. Maintain free chlorine residual at or above 1.0 milligram per liter (mg/L) without allowing it to drop below 0.2 mg/L for more than 4 hours. 40 C.F.R. §141.72(b)(2).
 2. Record the lowest chlorine residual each day and report the monitoring results to EPA within 10 days after the end of each month using the three-page Monthly SWTR Report (Exhibit 2). 40 C.F.R. §141.74(c)(2).
 - ii. Monitor the turbidity continuously at point "A-TU" on Exhibit 1 and record the readings every 4 hours. 40 C.F.R. §141.74.
 1. Maintain a combined filter effluent turbidity limit (known as a "95th percentile" limit) of less than or equal to 0.3 Nephelometric Turbidity Unit (NTU) in at least 95 percent of the measurements taken each month. 40 C.F.R. §141.551(a).
 2. Maintain a combined filter effluent turbidity limit not to exceed 1 NTU at any time during the monitoring period. 40 C.F.R. §141.551(b).



- b. For the combined filtered plus unfiltered water (at point B on Exhibit 1):
- i. Provide continuous chlorination disinfection and measure the free chlorine residual continuously or at least once daily after the final chlorine injection point (at the point of entry to the distribution system and before the first user).
 1. Record the lowest chlorine residual each day and report the monitoring results to EPA within 10 days after the end of each month using the Combined Water reporting form (Exhibit 3).
 2. Do not allow the chlorine residual to fall below 0.2 mg/L for more than four hours (with an optimal goal of maintaining it at or above 1.0 mg/L).
 3. If at any time the chlorine residual drops below 0.2 mg/L, take a grab sample every 4 hours until the residual concentration is at least 0.2 mg/L, and notify EPA within 24 hours or by the close of the next business day.
 4. If the minimum chlorine residual of the combined water drops below 0.2 mg/L for more than 4 hours, issue a boil water advisory within 24 hours and provide EPA with a copy of the boil water advisory within 5 days.
 - ii. Monitor the turbidity at least once daily and report results to EPA within 10 days after the end of each month using the Combined Water reporting form (Exhibit 3).
 1. If the turbidity exceeds 1.5 NTU on any day, collect a total coliform sample prior to the point of disinfection application if possible or at point B. If the total coliform sample is positive, take a total coliform confirmation sample within 24 hours. If the total coliform confirmation sample is positive, issue a boil water advisory within 12 hours and provide EPA with a copy of the boil water advisory within 5 days.
 2. If the turbidity exceeds 5 NTU, issue a boil water advisory within 12 hours and provide EPA with a copy of the boil water advisory within 5 days.
- c. For the distribution system (at point C on Exhibit 1):

Monitor the chlorine residual at the same time and same location as the system's monthly total coliform samples and report the results on the laboratory slip and report results to EPA using the three page Monthly SWTR report (Exhibit 1). 40 C.F.R. §141.74(c)(3). Chlorine residual results shall not be undetectable in more than 5% of the samples for that

month, for any two consecutive months that the system serves water to the public. 40 C.F.R. §141.72(b)(3).

15. Within 30 days of receipt of this Order, Respondents shall prepare an annual CCR for the system for 2006 and distribute it to their customers. Thereafter, Respondents shall prepare and distribute their annual CCR as required by the drinking water regulations. The CCR must be in compliance with 40 C.F.R. §§141.152-155. Respondents shall submit a copy of the CCR to EPA, including a certification of distribution, within 10 days of distribution.

16. Within 30 days of receipt of this Order, Respondents must provide public notice of the violation specified in Paragraph 7 of this Order. 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. Specific notice requirements can be found in the attached samples (Exhibit 4). Respondents shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. §141.31(d).

17. All reporting required by this Order shall be directed to:

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



GENERAL PROVISIONS

18. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or the drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

19. 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.

4/12/08
Date

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

04.14.08
Date

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