



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2009 MAR -6 PM 3:01

OFFICE OF COMPLIANCE AND ENFORCEMENT

Ref: 8ENF-W

MAR - 4 2009

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Jeff Ketcham, Chairman  
309 W. 20<sup>th</sup> Street  
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Deike Estates Improvement and Service District  
PWS ID#WY5601034

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 Deike Estates Improvement and Service District, located in Cheyenne, Wyoming. This Order requires that Deike Estates Improvement and Service District, take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). These violations include: exceeding the maximum contaminant level for total coliform bacteria, and failure to monitor for nitrates in 2005.

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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure



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2009 MAR -4 11 31 01

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Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Willie Kolkman, President  
Deike Estates Improvement and Service District  
12500 East I-80 Service Road  
Cheyenne, WY 82009

Re: Administrative Order  
Docket No. **SDWA-08-2009-0034**  
Deike Estates Improvement  
and Service District  
PWS ID #WY5601034

Dear Mr. Kolkman:

Enclosed is an Administrative Order issued by the 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 Deike Estates Improvement and Service District 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 Deike Estates Improvement and Service District complies with the Order for twelve 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.

Although this Order includes a violation for failure to monitor for nitrate, EPA acknowledges that Deike Estates Improvement and Service District has been in compliance with the nitrate monitoring requirements from 2006 to the present.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515, or (303) 312-6515. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can 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

Enclosures  
Order

cc: Molly Hutchins, Chief Operator  
WY DEQ (via email)  
WY DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk

**ORDER**

Based on the above violations, Respondent is ordered to perform the following actions:

6. Upon receipt of this Order, Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2). Any violation of this MCL shall be reported to EPA by the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

7. Within 30 days of the date of this Order, Respondent shall provide EPA with a compliance plan and schedule for bringing the system into compliance with the MCL for coliform bacteria. 40 C.F.R. § 141.63. 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 (that shall be within 120 days from the date of this Order). The plan and schedule must be approved by EPA before construction or modifications can commence. 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 can be made to the system.

8. The plan and schedule required by paragraph 7, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

9. Respondent shall notify EPA within 10 days after all improvements required by the plan referenced above have been completed.

10. Respondent must achieve and maintain compliance with 40 C.F.R. § 141.63 by the final date specified in the approved plan and schedule required by paragraph 7 above. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for noncompliance.

11. Prior to December 31, 2009, and per the regulations thereafter, Respondent shall monitor for nitrate. 40 C.F.R. § 141.23(d). Any violation of nitrate monitoring requirements shall be reported to EPA within 48 hours. 40 C.F.R. § 141.31(b).

12. Upon the effective date of this Order, Respondent shall report all analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

13. Reporting requirements specified in this Order shall be provided by certified mail to:

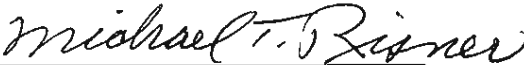
Shawn McCaffrey  
U. S. EPA Region 8 (ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

14. 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.

15. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

16. Issued and effective this 3 day of march, 2009.



Michael T. Risner, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

<u>IN THE MATTER OF</u>	)	
	)	
Deike Estates Improvement and Service District	)	
Cheyenne, Wyoming	)	ADMINISTRATIVE ORDER
	)	
Respondent	)	Docket No. <b>SDWA-08-2009-0034</b>

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Deike Estates Improvement and Service District (Respondent) is a district which owns the Deike Estates/Sapp Brothers Water System (the system) located in Laramie County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells, is not continuously treated, and serves approximately 400 people per day through 26 service connections all year. The system is a "non-transient non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is 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. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in November 2008, October 2008, September 2008, August 2008, and August 2007 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

4. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). EPA acknowledges Respondent sampled the water for contamination of nitrates in 2006, 2007, and 2008. However, Respondent failed to monitor the water for nitrate contamination in 2005 and, therefore, violated this requirement.

5. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 4 above to EPA and, therefore, violated this requirement.