BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	**Docket No. 4388-08**
Dale Ruby and JM Land & Developing Company, 2901 Four J Road, Gillette, Wyoming 82718	

RESPONSE TO DISCOVERY REQUESTS

Dale Ruby and JM Land & Developing Company, Petitioners, herewith respond to INTERROGATORIES and REQUESTS FOR PRODUCTION served by the Department of Environmental Quality.

ANSWERS TO INTERROGATORIES

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1. If JM Land denies any portion of any of the requested admissions above, please explain in specific detail the complete factual basis for each such denial.

ANSWER: The number of persons using water from the system is not known by the Respondents, however, it is believed that it is closer to the number stated in admission 6. See further explanations below.

2. Please explain in specific detail the complete legal and factual basis for JM Land to "deny" in ¶1 of its Petition that "the water wells and storage tank and pipeline system constitutes a 'public water supply' or 'public water system.'

ANSWER: Chapter 22 of the DEQ Rules, promulgated in 1999, apply only to systems commencing operations on or after October 1, 1999. Chapter 3 was amended in 2000. This system was placed in service long before 1999. Wyo. Stat. 35-11-301(a)(v), provides that a permit is required to "construct, modify or operate any public water supply", but excludes "subdivision water supplies consisting of individual wells serving individual lots of a subdivision." This provision was made applicable to

subdivision permit applications in 1997, after this system was placed in service. The Department of Health appears to have jurisdiction, as the system may be a "sanitary public water supply" as defined at Wyo. Stat. 35-4-220.

3. Please explain in specific detail the complete legal and factual basis, including specific citations to legal authority, for JM Land's allegation in ¶6 of its Petition that EPA has pre-empted regulation of JM Land's water system by the DEQ.

ANSWER: Congress enacted comprehensive laws authorizing the EPA to occupy the field of regulating drinking water standards, facilities, supply sources, treatment, facility design, testing, monitoring, compliance and details regarding the same, generally as set forth in 42 U.S.C. 300. EPA has adopted comprehensive and thorough regulations and guidance which is primarily set forth in 40 C.F.R. Part 141. See list attached as Appendix A. EPA has developed a highly detailed regulatory program for public water systems located in Wyoming, including implementing the National Primary Drinking Water Regulations in Wyoming and issuing compliance orders and assessing penalties. See, e.g., Appendix B. Wyoming is the only state which has not received delegation of the Safe Drinking Water Act. See Appendix C. EPA has in fact issued numerous notices and orders to the Petitioners regarding details of design and construction, site grading, site improvements, wells, pipelines, chlorination procedures, covers for wells, testing and monitoring, compliance and notice to water users. See documents produced in response to the Request for Production. DEQ's efforts to come in behind the EPA and issue new orders and perform new reviews of designs and plans is duplicative of what the EPA is already doing and creates a real risk of inconsistent regulation.

Tests for preemption analysis:

1. Has the federal government occupied the field?

> "If Congress evidences an intent to occupy a given field, any state law falling within that field is pre-empted." *PG&E v State ERD&DC*, 461 U.S. 190, 103 S.Ct. 1713 (1983); *Silkwood v. Kerr-McGee Corp*, 464 U.S. 238, 104 S.Ct. 615 (1984), cited in *Hermes Consol. v. People of the State of Wyoming*, 849 P.2d 1302 (Wyo. 1993).

2. Do details of the state regulatory framework contrast with or conflict with the federal law or plan, or "stand as an obstacle to the accomplishment of the full purposes and objectives of Congress"? *PG&E, supra.*

After the U.S. Supreme Court's decision in *Granite Rock* in 1987, the Wyoming Supreme Court decided *Hermes Consolidated, Inc., v. People of the State of Wyoming,* 849 P.2d 1302 (1993). The Court reviewed the inconsistencies between the EPA cleanup plan for a refinery and the Wyoming DEQ plan for the cleanup, and concluded that the state was preempted from regulating the cleanup. The Court noted that "This is a classic case of a citizen being whipsawed by a competing state agency."

The Court further stated:

> The result of this policy is that a business is subject to dual regulation. This flies directly in the fact of the RCRA cooperative federalism design whereby a single agency, either state or federal, administers the RCRA program. *** RCRA does not contemplate that state and federal agencies will regulate simultaneously and thereby create a dual burden on the regulated industry.

Regulation of the Petitioners by the DEQ impermissibly encroaches upon the regulations and orders already put in place by the EPA, and creates an impermissible dual burden on the Petitioners.

4. List individually all documents you referenced or relied upon for your answer(s) to each separate interrogatory above.

ANSWER: See documents attached hereto.

VERIFICATION

STATE OF WYOMING)
)§§
COUNTY OF CAMPBELL)

JESSE DALE RUBY, being duly sworn according to law, deposes and says that he is one of the parties named in this proceeding, and the foregoing answers to interrogatories are true to the best of his knowledge and belief.

Jesse Dale Ruby
JESSE DALE RUBY

SWORN TO BEFORE ME and subscribed in my presence by Jesse Dale Ruby this 9th day of February, 2009.

My Commission Expires:

Stacy L. Ewing - Notary Public
County of Campbell
State of Wyoming
My Commission Expires 12-17-2012

Notary Public

DOCUMENTS TO BE PRODUCED

1. All documents listed in your answer to interrogatory #4 above.

See attached documents.

DATED this 9th day of February, 2009.

Randall T. Cox
400 South Kendrick St., Suite 101
Gillette, WY 82716
307-682-2500
307-685-0527 FAX

CERTIFICATE OF SERVICE

I, Randall T. Cox, hereby certify that on the 9th day of February, 2009, I did cause a true and correct copy of the foregoing to be deposited in the U.S. Mail, postage prepaid, addressed to each of the following:

Mike Barrash, Esq.
Attorney General's Office
123 Capitol Bldg.
Cheyenne, WY 82002

John V. Corra, Director
Department of Environmental Quality
122 West 25th St., Herschler Bldg. 4th Flr. W.
Cheyenne, WY 82002

Chairman of Environmental Quality Council
Rm. 1714, Herschler Building, 1st Flr. W.
122 West 25th Street
Cheyenne, WY 82002

Randall T. Cox
Attorney for Plaintiff
400 South Kendrick, Suite 101
Gillette, Wyoming 82716
(307) 682-2500

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

Ref: 8P-W-DW

JAN 25 2008

Dale Ruby
Ridgeway Community Well Association
2901 Four J Road
Gillette, WY 82718

Re: PWS ID#: WY5601602

Dear Mr. Ruby:

Enclosed is your copy of a report prepared for the U. S. Environmental Protection Agency (EPA) following a sanitary survey of your public water system on November 7, 2007. Please note the recommendations listed on the first page of the report. These recommendations should be implemented as soon as possible to ensure that public health is protected at your public water system. In summary, the recommendations for your water system include the following:

1. Monitoring of the system according to EPA drinking water regulations should begin immediately. The water system was activated as a community water system on October 17, 2007. Mr. Dale Ruby developed, and continues to maintain the system. Consequently, monitoring, maintenance and improvement of the water system appear to be Mr. Ruby's responsibility. To date, Mr. Ruby has operated and maintained the water system, although he claims the homeowners association now owns the system. Since no homeowners association has been formed to accept operation and maintenance of the water system, Mr. Ruby should be considered the legal entity responsible for the water system.

2. A professional evaluation of the storage tank should be performed to determine the structural integrity of the tank. The tank does not appear to be resting on a concrete foundation, and erosion was noted beneath the tank. The area surrounding a ground-level structure should be graded in a manner that will prevent surface water from ponding in the vicinity of the structure. Per AWWA Manual D100; Section 12.6.1: Foundations for Flat Bottom Tanks, all flat bottom tanks shall be supported on a ring-wall footing and concrete slab, or structurally compacted granular berm. Site grading around the tank shall have a positive drainage away from the tank. The top of the foundation shall be a minimum of 6 inches above the finished grade, but not more than 12 inches.

3. The tank overflow should be repaired, since the 2-inch hose protruding from the top of the tank is inadequate. All storage structures shall be provided with an appropriately sized overflow, brought down to an elevation between 12 and 24 inches above the ground surface, and discharging over a drainage inlet structure or a splash plate. The overflow should not be connected directly to a sewer or a storm drain, and should be located so that any discharge is visible. The overflow for a ground-level storage reservoir shall open downward, and be screened with 24-mesh corrosion-resistant screen. The screen shall be installed within the

overflow pipe at a location least susceptible to damage by vandalism. If a flapper valve is used, a screen shall be provided inside the valve.

4. Access to the storage tank should be installed/improved. Finished water storage structures should be designed with reasonable convenient access to the interior for cleaning and maintenance. At least two manholes should be provided above the waterline at each water compartment where space permits.

5. Manholes for the water system should be elevated at least 24 inches above the top of tanks, or covering sod, whichever is higher. Each manhole should be fitted with a solid water-tight cover overlapping a framed opening, and extending down around the frame at least two inches. The frame should be at least four inches high, and the cover should be hinged on one side, with a locking device.

6. A tank vent was not observed, and an inspection of the tank roof was not possible since a ladder was not installed on the tank. If a tank vent does not exist, one should be installed. The overflow pipe cannot be considered a vent. Vents should prevent the entrance of surface water and rainwater; exclude birds, animals, insects, and as much dust as possible; and open downward, with the opening at least 24 inches above the roof or sod, and covered with 24-mesh corrosion-resistant screen.

7. The storage tank should be cleaned and inspected, since there is no record of inspection since 1992. Storage facilities should be taken out of service, cleaned, inspected, and disinfected prior to return to service at least once every three years, according to AWWA Manual of Practice, M42, Steel Water Storage Tanks. Washing out the tank annually is recommended when water supplies have sediment problems.

8. To prevent contamination of Wells #1, #2, and #3, bentonite or concrete slabs, approximately 4 feet by 4 feet, should be installed around the well casings, and the well caps should have appropriate sanitary seals. Before installation of the slabs, the area immediately around the well heads should be mounded so that surface water or other liquids drain away from the well heads.

9. A certified operator is required to operate the water system. Contact Kim Parker, Wyoming Department of Environmental Quality (WYDEQ) Certification Officer, at (307) 777-6128, as soon as possible for certification information. Also, a list of contract operators is available on the WYDEQ website at http://deq.state.wy.us/wqd/.

10. Well permits were not available or located during the survey, and were not identified by consulting the WY State Engineers Office database. The office [(307) 777-6150] should be contacted by the owner to search for the well permits, which would include such information as the well depths, casing sizes, yield/design rates of flow, dates drilled, etc.

11. A written operation and maintenance (O & M) manual should be compiled so that operators follow the same procedures. Written procedures should cover items such as daily operations/inspections (checklist), start-up and shutdown procedures, and response to equipment failure and other emergency conditions (contingency plans).

Additionally, a record keeping system should be created for the water system since no records were available to the surveyor. An attempt should be made to collect any records pertaining to the water system, including water testing results, as-built drawings, distribution maps/schematics, master meter water usage, well drillers log, well permit, and any other records pertaining to the operations and management of the water system.

12. A site sampling plan should be filed for the water system. This plan may be a simple hand drawn diagram showing where bacteriological monitoring samples are collected on a regular rotating basis throughout the year. The sites chosen should represent all areas of the distribution system. The plan should be sent to Charla Colson, EPA Region 8.

13. The storage tank and wellheads should be protected from trespassing by fencing and a locked gate. Additionally, locks to ensure the well caps cannot be removed should be installed to prevent accidental or intentional contamination of the water source.

14. A chlorine residual test kit should be purchased to monitor chlorine levels in the water distribution system.

We would like to thank you for your cooperation and time during the sanitary survey of your public water system on November 7, 2007. If you have any questions regarding the sanitary survey, please call Gail Hill at 1-800-227-8917, ext. 6497 or Chuck Lamb at ext. 6261. If you have any questions on specific regulations, please refer to the brochure enclosed with this letter. The names and phone numbers for all of the rule managers are included in the brochure.

Sincerely,

John N. Gillis, Ph.D.
Team Lead, Wyoming PWSS DI

Enclosures (2)

SANITARY SURVEY
U.S. EPA REGION VIII
1595 WYNKOOP STREET
MAIL CODE: 8P - W - DW
DENVER, COLORADO 80202-1129

Date of Survey: **November 7, 2007** PWS ID No.: **5601602**
Classification: **Community groundwater**
Name of PWS: **Ridgeway Community Well Association**
Mailing address: **2901 Four J Road, Gillette, WY 82718**
e-mail address: **None**
County: **Campbell**
Physical location and directions: **The subdivision is located west of Gillette, WY, off of I-90, Exit 113, on Ridgeway Road.**
Name of surveyor: **Lee A. Michalsky, RATES**
Prior Surveyor and date: **NA - system activated 10/17/2007**
Date of GWUDISW assessment & score: **November 7, 2007;** Scores: **Well #1 – 45; Well #2 – 45; Well #3 (backup) - 45**

SECTION 1: RECOMMENDATIONS

1. **Monitoring of the system according to EPA drinking water regulations should begin immediately. The water system was activated as a community water system on October 17, 2007. Mr. Dale Ruby developed, and continues to maintain the system. Consequently, monitoring, maintenance and improvement of the water system appear to be Mr. Ruby's responsibility. To date, Mr. Ruby has operated and maintained the water system, although he claims the homeowners association now owns the system. Since no homeowners association has been formed to accept operation and maintenance of the water system, Mr. Ruby should be considered the legal entity responsible for the water system.**

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SECTION 1: RECOMMENDATIONS (cont.)

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SECTION 1: RECOMMENDATIONS (cont.)

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SECTION 1: RECOMMENDATIONS (cont.)

14. **A chlorine residual test kit should be purchased to monitor chlorine levels in the water distribution system.**

SECTION 2: SUMMARY

The Ridgeway Community Well Association water system is classified as a community groundwater system. Source water is obtained from two wells: Well #1 (originally drilled as an oil well, and reported by Mr. Ruby to be drilled 1500 feet deep), and Well #2 (reported to be drilled 900 feet deep). A third well, Well #3 (reported to be 1100 feet deep), does not have a motor and pump installed within the casing. Well #3 is considered a backup well. Production from the wells is conveyed through 2" lines to a 9240-gallon gravity storage facility that floats on the distribution system.

A sanitary survey was conducted on November 7, 2007 by Lee Michalsky, Rural and Tribal Environmental Solutions (RATES). Dale Ruby and Bill Sheldon were interviewed, and conducted a tour of the water system well and facilities.

SECTION 3: CONTACT NAMES AND PHONE NUMBERS/E-MAIL ADDRESSES

Business Owner: **Dale Ruby**

Person contacted for survey: **Dale Ruby; (307) 682-2396**

County and/or CHS Sanitarians: **Doug Evans; (307)686-8036;** e-mail: **devans2@state.wy.us**

DEQ District Engineer: **Karen Farley; (307)473-3478;** e-mail: **KFARLE@state.wy.us**

Operator(s), Certification types(s), and Expiration dates(s):
No certified operators (See Recommendation #9)

The following abbreviations will be used throughout this document:
NI = no information: NA = not applicable; NR = not requested

SECTION 4: SERVICE DATA

Service Area(s): **Residential subdivision**

Owner type: **Private**

Is this PWS part of a concessionaire operation on state/fed land? **No**

Population: **60**

Period of operation: **Year-round**

Number of service connections: **17** Metered? **No**

Water usage: Summer: **NI** Winter: **NI** Per person gal/day: **NI** Water lost gal/day **NI**

- Is the current water source adequate in quantity? **Yes**

- Is the water source yield sufficient to meet future demands? **Yes**

Have there been any interruptions in service in the last 5 years?
Yes - the tank has run dry due to irrigation during the summer.

Have there been reports of water borne disease? **No**

Does system have a current operations and maintenance manual which describes all procedures, equipment, sampling schedules, and inspection data?
No (See Recommendation #11)

Does the system have security measures in place (fencing; locks; lighting; alarms; etc.)?
No (See Recommendation #13)

Does the system have an emergency response plan? **No (See Recommendation #11)**

Are all personnel familiar with emergency procedures? **No**

Water sold to: **NA**

SECTION 6: SOURCE DATA
POTENTIAL POLLUTION SOURCES

Abandoned wells: **None reported nor observed during interview or facilities inspection**

Septic systems:
Individual septic systems serve the subdivision. An onsite septic system is located approximately ¼ mile down-gradient of the well heads.

Above ground fuel or chemical storage tanks: **None**

Underground fuel or chemical storage tanks: **None**

Agricultural activities: (e.g. stock pens, crops, irrigation): **None**

Chemical storage and mixing facilities: **None**

Industrial activities: (e.g. auto repair, dry cleaning shops): **None**

SECTION 7: SOURCE DATA
CURRENT AND ABANDONED WELLS

Name and/or Number of Well(s): **Well #1 (originally drilled as an oil well)**

DEQ Permit #: **NI**

SEO Permit #: **NI (See Recommendation #10)**

Is the well drawing from a confined or unconfined aquifer? **NI**

Has the recharge area been mapped? **NI**

Is the well in a flood plain? **No**

Does surface water runoff drain toward or away from the wellhead?
Toward (See Recommendation #8)

Well house, well pit, pitless adapter, or combination? **Pitless adapter**

Date drilled: **1998**

Total well depth (ft.): **1500'** Total casing depth (ft.): **NI**

Casing diameter (in.): **9 5/8"** Casing perforations: **NI**

Depth of grouting: **NI**

Pump depth: **1000 ft**

Type of pump/brand name: **15 hp Berkley pump with Franklin motor**

Actual yield (gpm): **100 gpm**

Does wellhead have a sanitary seal around the casing? **No (See Recommendation #8)**

Does well casing terminate at least 18 in. above the floor or ground surface? **Yes – 18"**

Is the vent at least 18 in. above the floor or ground surface? **Yes**

Is the vent facing downward, and is it screened? **Yes**

Is there a working sample tap at the well (before treatment)? **Yes**

Is emergency power available? **No**

Has the local utility been made aware of any generators at the facility? **NA**

Does the owner have a copy of the well log? **No (See Recommendation #10)**

SECTION 7: SOURCE DATA
CURRENT AND ABANDONED WELLS (cont.)

Name and/or Number of Well(s): **Well #2**

DEQ Permit #: **NI**

SEO Permit #: **NI (See Recommendation #10)**

Is the well drawing from a confined or unconfined aquifer? **NI**

Has the recharge area been mapped? **NI**

Is the well in a flood plain? **No**

Does surface water runoff drain toward or away from the wellhead?
Toward (See Recommendation #8)

Well house, well pit, pitless adapter, or combination? **Pitless adapter**

Date drilled: **1998**

Total well depth (ft.): **1100'** Total casing depth (ft.): **NI**

Casing diameter (in.): **6 5/8"** Casing perforations: **NI**

Depth of grouting: **NI**

Pump depth: **1100 ft**

Type of pump/brand name: **5 hp Berkley pump with Franklin motor**

Actual yield (gpm): **NI**

Does wellhead have a sanitary seal around the casing? **No (See Recommendation #8)**

Does well casing terminate at least 18 in. above the floor or ground surface? **Yes – 19"**

Is the vent at least 18 in. above the floor or ground surface? **Yes**

Is the vent facing downward, and is it screened? **Yes**

Is there a working sample tap at the well (before treatment)? **Yes**

Is emergency power available? **No**

Has the local utility been made aware of any generators at the facility? **NA**

Does the owner have a copy of the well log? **No (See Recommendation #10)**

SECTION 7: SOURCE DATA
CURRENT AND ABANDONED WELLS (cont.)

Name and/or Number of Well(s): **Well #3 (backup well)**

DEQ Permit #: **NI**

SEO Permit #: **NI (See Recommendation #10)**

Is the well drawing from a confined or unconfined aquifer? **NI**

Has the recharge area been mapped? **NI**

Is the well in a flood plain? **No**

Does surface water runoff drain toward or away from the wellhead?
Toward (See Recommendation #8)

Well house, well pit, pitless adapter, or combination? **Pitless adapter**

Date drilled: **1984**

Total well depth (ft.): **1100'** Total casing depth (ft.): **NI**

Casing diameter (in.): **6 5/8"** Casing perforations: **NI**

Depth of grouting: **NI**

Pump depth: **No pump**

Type of pump/brand name: **NA**

Actual yield (gpm): **NI**

Does wellhead have a sanitary seal around the casing? **No (See Recommendation #8)**

Does well casing terminate at least 18 in. above the floor or ground surface? **Yes - 22"**

Is the vent at least 18 in. above the floor or ground surface? **No vent**

Is the vent facing downward, and is it screened? **NA**

Is there a working sample tap at the well (before treatment)? **NA**

Is emergency power available? **No**

Has the local utility been made aware of any generators at the facility? **NA**

Does the owner have a copy of the well log? **No (See Recommendation #10)**

SECTION 12: SOURCE DATA
BACKUP WATER SOURCES

Describe any backup water sources possibly available to the PWS: **None**

Does the system have interconnections with neighboring systems or a contingency plan for water outages? **No (See Recommendation #11)**

SECTION 15: STORAGE FACILITIES AND PRESSURE TANKS

Name or designation: **Ridgeway Community Well Association**

Date put into service: **1998**

Raw or treated water? **Treated - calcium hypochlorite**

Location and type of material: **Ground-level steel**

Is the storage properly covered or enclosed? **No (See Recommendation #2)**

Type of storage: **Gravity**

Volume (gal.): **9240 gallons**

Total days supply when full: Winter: **Estimated 2 days** Summer: **Estimated 1 day**

- Is the storage capacity adequate for current needs? **Yes**
- Is the storage capacity over-designed to meet future needs? **No**

Is the water level indicator accurate *(gravity tanks)*? **NA - no level indicator**

Is the site subject to flooding? **No**

Is the unit structurally sound and properly maintained?
No (See Recommendations #2, #3 and #6)

Are overflow lines:

Turned downward? **No (See Recommendation #3)**

Covered or screened with #24 mesh corrosion-resistant screen?
No (See Recommendation #3)

Terminated at least 12-24 inches above ground? **No (See Recommendation #3)**

Are air vents:

Turned downward? **No (See Recommendation #6)**

Covered or screened with #24 mesh corrosion-resistant screen?
NI (See Recommendation #6)

Are drain and clean-out lines:

Turned downward? **NI**

Covered or screened with #24 mesh corrosion-resistant screen? **NI**

Terminated at least 3 diameters above ground? **NI**

Can tank be isolated from the system? **Yes**

Do the inflow and outflow lines have check valves? **No**

When and how was the tank last cleaned?
Not cleaned since 1992 (See Recommendation #7)

How is the tank disinfected after repair or cleaning? **NI**

SECTION 16: WATER TREATMENT DATA

Method – Chemical disinfection:

Type/dosage: **Calcium hypochlorite - target residual of 0.2 mg/L to 0.5 mg/L**

Point of application: **Well casing**

Where does the PWS measure disinfectant residual for compliance with the SWTR requirement of ≥ 0.2 mg/L at the POE? Is this before the 1st user of the water? **NA**

How is residual measured *(continuous; grab; equipment manufacturer/model #)*?

Not monitored (See Recommendation #14)

Free chlorine residual at POE as measured by PWS during survey (mg/L): **0.0 mg/L**

Free chlorine residual at POE as measured by surveyor (mg/L): **0.0 mg/L**

Is residual detectable at taps at the end of the distribution system?

No (See Recommendation #14)

Is there redundant disinfection equipment? **No**

Is there emergency power for the disinfection equipment? **No**

SECTION 17: DISTRIBUTION DATA

Lines: **Reported as 1 ½" polyethylene (PE) main lines, and reduced to 1" service lines**

Location and estimated linear feet of asbestos-cement pipe: **None**

Have lines broken due to frost or traffic load? **No**

Does PWS have access to proper main line bedding material? **NI**

Is proper bedding material used for mainline replacement and repair? **NI**

Pressure zones: **Reported as 40 – 50 psi**

Is there at least 35 psi pressure in the distribution system at peak normal flow?

No - lawn irrigation during the summer empties the tank, and reduces pressure to 0 psi.

Is there 20 psi at all points in the system during fire fighting flow? **NI**

Location, length, number, and flushing frequency for dead ends in the system:

NA – source to point of use distribution system

Is there an existing or potential interconnection with another system? **No**

Are prints of the distribution system maintained; e.g. revised to show replacement or repair?

No (See Recommendation #11)

Number of metered services: **0**

Number of unmetered services: **17**

SECTION 19: SAFETY DATA

PERSONNEL SAFETY

Is there a safety program defining measures to be taken if someone is injured?
No (See Recommendation #11)

Are all personnel trained in proper handling of all utilized chemicals and materials? **No**

Are adequate masks, protective clothing, and safety equipments provided? **No**

Does the operator understand relevant Occupational Safety and Health Administration (OSHA) regulations (e.g., confined space, hazard communication, trenching/shoring, lock out/tag out)? **No**

CHEMICAL SAFETY

Are oxidizers, corrosives, and flammables stored in separate areas and in closed, marked containers? **NA - no other chemicals onsite**

Are flammables stored in appropriate containers and cabinets away from combustion sources? **NA**

Is there adequate ventilation in the areas where solvents, aerosols, and chemical feeders are in use? **NA**

Are bulk storage areas physically isolated from treatment areas to prevent spills from entering treated or untreated water? **NA**

Is the fire department familiar with the facilities and their contents? **No**

SECTION 20: MANAGEMENT DATA

Are there rules governing new hookups? **Yes**

Is there a water main extension policy? **No**

Are DEQ construction specifications followed? **No (See Recommendation #2)**

Are there policies or rules describing customer rights and responsibilities? **Yes**

Is there a schedule for routine preventative maintenance for all facilities and equipment?
No (See Recommendation #11)

Does the PWS have contracts in place to assure prompt supply and repair service? **NI**

SECTION 18: CROSS CONNECTION CONTROL

Per Chapter 12 of the Wyoming Water Quality Rules and Regulations, the following questions will determine whether the PWS has an adequate and compliant cross-connection program.

Have all high-hazard connections to the water system been identified?

There is no cross connection program at this water system. Mr. Ruby reported that no high-hazard connections are tapped into the distribution system

Does each high hazard connection have the appropriate backflow device or method installed?

NA

Has the PWS required the appropriate BFPs to be installed at all service connections completed after March 12, 2003? **No**

Does the water supplier have a record keeping program and management procedures to ensure:

a. the installation and certification by test or inspection of all backflow preventers (BFPs) at new service connections? **No**

b. the annual passing test certification by a certified tester of all high-hazard BFPs at service connections? **No**

Can each high-hazard facility be matched in the PWS records with a high-hazard BFP that has been properly tested within the past year? **NA**

Are there any taps or service connections on transmission lines from remote water sources to the water storage and distribution system? **None**

Are stock watering tank connections protected from back-siphonage by at least a double check backflow device at the tap on the transmission line? **No stock tanks**

SECTION 21: MONITORING AND RECORDS

Does the operator know how to collect samples for total coliform analysis?
(Review operator sampling procedure at time of survey to confirm)
No (See Recommendations #9 and #11)

Does the operator know what to do in the event of a total coliform "unsafe" result?
No (See Recommendations #9 and #11)

Are extra bottles available in case of need for repeat total coliform sampling? **No**

Are test kits, reagents, and instruments, as appropriate, available for monitoring?
No (See Recommendation #14)

For systems that disinfect:

If the PWS chlorinates, is test equipment available for measuring chlorine residual?
(Describe equipment) **No (See Recommendation #14)**

Is there a DBPR Monitoring Plan on-site available for the surveyor's review?
(for community and NTNC systems) **No**

- Is it up-to-date reflecting the current distribution system? **No**
- What types of MRDLs are measured (free, total, combined, or chlorine dioxide)?
NA - residual not being monitored.

Does the operator know the location of each entry point to the distribution system?
No (See Recommendation #11)

Does the operator know how to properly label samples taken from the entry points?
No (See Recommendation #11)

Has the PWS completed the monitoring that is specified in the EPA-provided monitoring schedule for this calendar year?
No - Mr. Ruby claims monitoring is not his responsibility.

Are copies of all monitoring results filed and readily accessible?
No (See Recommendation #11)

Environmental Protection Agency, Region VIII
1595 Wynkoop Street (8P-W-DW)
Denver, Colorado 80202-1129

ASSESSMENT OF Ground Water Under The Direct Influence Of Surface Water (GWUDISW)
(GWUDISW is subject to the Surface Water Treatment Rule)

Public Water System Name: **Ridgeway Community Well Association** PWS#: **5601602**

Well/Spring/Infiltration Gallery Name: **Well # 1 (originally drilled as an oil well)** County: **Campbell**

State Engineer's Office Ground Water Permit #: **NI**

Department of Environmental Quality Construction Permit #: **NI**

Date of Assessment: **November 7, 2007** Analyst: **Lee Michalsky, RATES**

	Index Points	Score
A. TYPE OF SUBSURFACE WATER SOURCE (Circle One)		
Well, equal to or greater than 50 ft. deep (*)	0	
Well, less than 50 ft. deep.(*)	5	
Spring	10	
Infiltration Gallery, more than 2 ft deep	10	
Infiltration Gallery, at or < 2 ft deep	25	
(*) depth to first screen or perforation for groundwater entry		
B. HISTORICAL MICROBIOLOGICAL CONTAMINATION (Circle)		
History or suspected outbreak of Giardia or other pathogenic organisms associated with surface water with current system configuration	50	
Record of total coliform acute MCL violations over last 3 years	30	
Record of total coliform monthly MCL violations over last 3 years		
One Month	5	
Two Months	10	
Three Months	20	
Regulatory agency verifies complaints about turbidity or suspected waterborne disease	10	

PWS ID#: **5601602** Date: **November 7, 2007**

	Index Points	Score
C. HYDROGEOLOGICAL FEATURES (Circle)		
Distance between a surface water source and the groundwater collector (vertical well, spring box or infiltration gallery)		
Over 200 ft.	0	
100 - 200 ft..	5	
Less than 100 ft.	10	
Well, spring, or infiltration gallery located on floodplain at approximate altitude of stream.	20	
Surface runoff drains toward well, spring, or infiltration gallery.	15	**15**
Exposed aquifer that is coarse alluvium, cavernous, or fractured	15	
D. STRUCTURAL FEATURES (Circle the information pertaining to either the well OR the spring collection box- not both.)		
WELLS (includes wells collecting water from infiltration galleries)		
Uncased well	40	
Casing not properly sealed (such as no concrete slab extending 2 – 4 feet around and sloping away from casing, or seal is loose or missing bolts holding it in place, or annular space around casing is not grouted to 20 ft)	15	**15**
No watertight sanitary seal on well casing cap	15	**15**
Well height not properly terminated (well, including the pitless adapter units, does not terminate a minimum of 18 inches above ground level, 12 inches above the pump house floor, or 3 feet above the highest known flood elevation, whichever is higher – measurements should be taken from the pump house floor, not the bottom of a pit which may be located within the pump house)	15	
SPRING COLLECTION BOX (includes collection vaults collecting water from infiltration galleries)		
Deep-rooted vegetation (e.g. trees, shrubs) around springbox, providing conduit for surface water into spring water.	15	
Springbox is not watertight, with watertight overlapping lid or cover	15	
Overflows or drains open to atmosphere or allow entrance of animals (unscreened)	15	
Marshy (standing water) around spring collection area	30	
TOTAL SCORE (**):		**45**

(**) total score of ≥ 40 indicates further assessment is needed

COMMENTS: **The well cap is loose, and attached to the casing with duct tape**

Environmental Protection Agency, Region VIII
1595 Wynkoop Street (8P-W-DW)
Denver, Colorado 80202-1129

ASSESSMENT OF Ground Water Under The Direct Influence Of Surface Water (GWUDISW)
(GWUDISW is subject to the Surface Water Treatment Rule)

Public Water System Name: **Ridgeway Community Well Association** PWS#: **5601602**

Well/Spring/Infiltration Gallery Name: **Well # 2** County: **Campbell**

State Engineer's Office Ground Water Permit #: **NI**

Department of Environmental Quality Construction Permit #: **NI**

Date of Assessment: **November 7, 2007** Analyst: **Lee Michalsky, RATES**

	Index Points	Score
A. TYPE OF SUBSURFACE WATER SOURCE (Circle One)		
Well, equal to or greater than 50 ft. deep (*)	0	
Well, less than 50 ft. deep.(*)	5	
Spring	10	
Infiltration Gallery, more than 2 ft deep	10	
Infiltration Gallery, at or < 2 ft deep	25	
(*) depth to first screen or perforation for groundwater entry		
B. HISTORICAL MICROBIOLOGICAL CONTAMINATION (Circle)		
History or suspected outbreak of Giardia or other pathogenic organisms associated with surface water with current system configuration	50	
Record of total coliform acute MCL violations over last 3 years	30	
Record of total coliform monthly MCL violations over last 3 years		
One Month	5	
Two Months	10	
Three Months	25	
Regulatory agency verifies complaints about turbidity or suspected waterborne disease	10	

PWS ID#: **5601602** Date: **November 7, 2007**

	Index Points	Score
C. HYDROGEOLOGICAL FEATURES (Circle)		
Distance between a surface water source and the groundwater collector (vertical well, spring box or infiltration gallery)		
Over 200 ft.	0	
100 - 200 ft..	5	
Less than 100 ft.	10	
Well, spring, or infiltration gallery located on floodplain at approximate altitude of stream.	20	
Surface runoff drains toward well, spring, or infiltration gallery.	15	**15**
Exposed aquifer that is coarse alluvium, cavernous, or fractured	15	
D. STRUCTURAL FEATURES (Circle the information pertaining to either the well OR the spring collection box- not both.)		
WELLS (includes wells collecting water from infiltration galleries)		
Uncased well	40	
Casing not properly sealed (such as no concrete slab extending 2 – 4 feet around and sloping away from casing, or seal is loose or missing bolts holding it in place, or annular space around casing is not grouted to 20 ft)	15	**15**
No watertight sanitary seal on well casing cap	15	**15**
Well height not properly terminated (well, including the pitless adapter units, does not terminate a minimum of 18 inches above ground level, 12 inches above the pump house floor, or 3 feet above the highest known flood elevation, whichever is higher – measurements should be taken from the pump house floor, not the bottom of a pit which may be located within the pump house)	15	
SPRING COLLECTION BOX (includes collection vaults collecting water from infiltration galleries)		
Deep-rooted vegetation (e.g. trees, shrubs) around springbox, providing conduit for surface water into spring water.	15	
Springbox is not watertight, with watertight overlapping lid or cover	15	
Overflows or drains open to atmosphere or allow entrance of animals (unscreened)	15	
Marshy (standing water) around spring collection area	30	
TOTAL SCORE (**):		**45**

(**) total score of ≥ 40 indicates further assessment is needed

COMMENTS: **A green cloth has been used in and attempt to plug openings within the well cap and casing.**

Environmental Protection Agency, Region VIII
1595 Wynkoop Street (8P-W-DW)
Denver, Colorado 80202-1129

ASSESSMENT OF Ground Water Under The Direct Influence Of Surface Water (GWUDISW)
(GWUDISW is subject to the Surface Water Treatment Rule)

Public Water System Name: **Ridgeway Community Well Association** PWS#: **5601602**

Well/Spring/Infiltration Gallery Name: **Well # 3 (backup well)** County: **Campbell**

State Engineer's Office Ground Water Permit #: **NI**

Department of Environmental Quality Construction Permit #: **NI**

Date of Assessment: **November 7, 2007** Analyst: **Lee Michalsky, RATES**

	Index Points	Score
A. TYPE OF SUBSURFACE WATER SOURCE (Circle One)		
Well, equal to or greater than 50 ft. deep (*)	0	
Well, less than 50 ft. deep.(*)	5	
Spring	10	
Infiltration Gallery, more than 2 ft deep	10	
Infiltration Gallery, at or < 2 ft deep	25	
(*) depth to first screen or perforation for groundwater entry		
B. HISTORICAL MICROBIOLOGICAL CONTAMINATION (Circle)		
History or suspected outbreak of Giardia or other pathogenic organisms associated with surface water with current system configuration	50	
Record of total coliform acute MCL violations over last 3 years	30	
Record of total coliform monthly MCL violations over last 3 years		
One Month	5	
Two Months	10	
Three Months	20	
Regulatory agency verifies complaints about turbidity or suspected waterborne disease	10	

PWS ID#: **5601602** Date: **November 7, 2007**

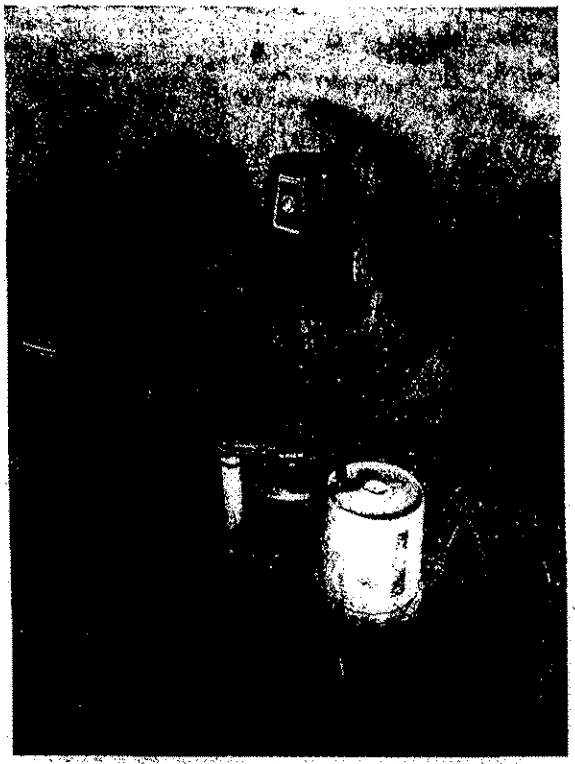
	Index Points	Score
C. HYDROGEOLOGICAL FEATURES (Circle)		
Distance between a surface water source and the groundwater collector (vertical well, spring box or infiltration gallery)		
Over 200 ft.	0	
100 - 200 ft..	5	
Less than 100 ft.	10	
Well, spring, or infiltration gallery located on floodplain at approximate altitude of stream.	20	
Surface runoff drains toward well, spring, or infiltration gallery.	15	**15**
Exposed aquifer that is coarse alluvium, cavernous, or fractured	15	
D. STRUCTURAL FEATURES (Circle the information pertaining to either the well OR the spring collection box- not both.)		
WELLS (includes wells collecting water from infiltration galleries)		
Uncased well	40	
Casing not properly sealed (such as no concrete slab extending 2 – 4 feet around and sloping away from casing, or seal is loose or missing bolts holding it in place, or annular space around casing is not grouted to 20 ft)	15	**15**
No watertight sanitary seal on well casing cap	15	**15**
Well height not properly terminated (well, including the pitless adapter units, does not terminate a minimum of 18 inches above ground level, 12 inches above the pump house floor, or 3 feet above the highest known flood elevation, whichever is higher – measurements should be taken from the pump house floor, not the bottom of a pit which may be located within the pump house)	15	
SPRING COLLECTION BOX (includes collection vaults collecting water from infiltration galleries)		
Deep-rooted vegetation (e.g. trees, shrubs) around springbox, providing conduit for surface water into spring water.	15	
Springbox is not watertight, with watertight overlapping lid or cover	15	
Overflows or drains open to atmosphere or allow entrance of animals (unscreened)	15	
Marshy (standing water) around spring collection area	30	
TOTAL SCORE (**):		**45**

(**) total score of ≥ 40 indicates further assessment is needed

COMMENTS: **The well does not have a motor and pump installed - considered a backup well.**

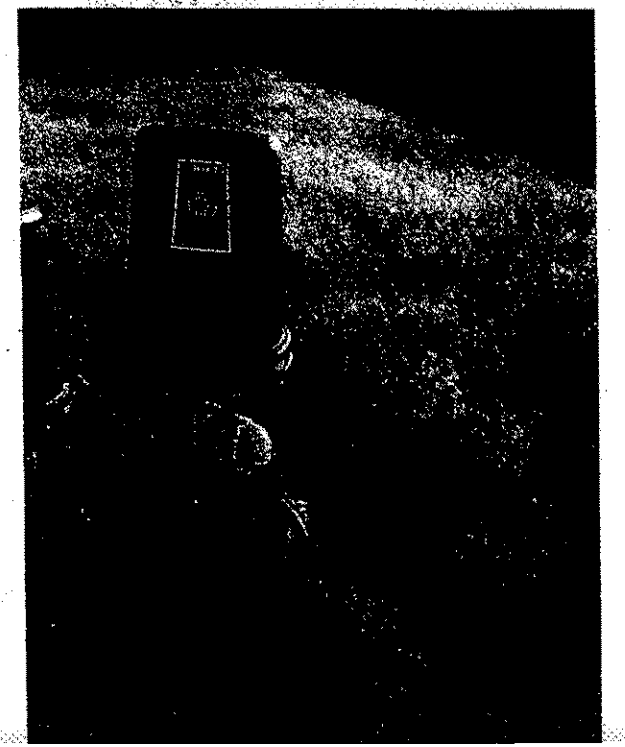
EPA Official Photograph

Subject: Well #1 (oil well)
PWS# 5601602
System: Ridgeway Community Well Association
County: Campbell
Date: 11/7/07 **Time:** 1300
Photographer: Lee Michalsky, RATES
1306 Patriot Street Billings, MT 59105

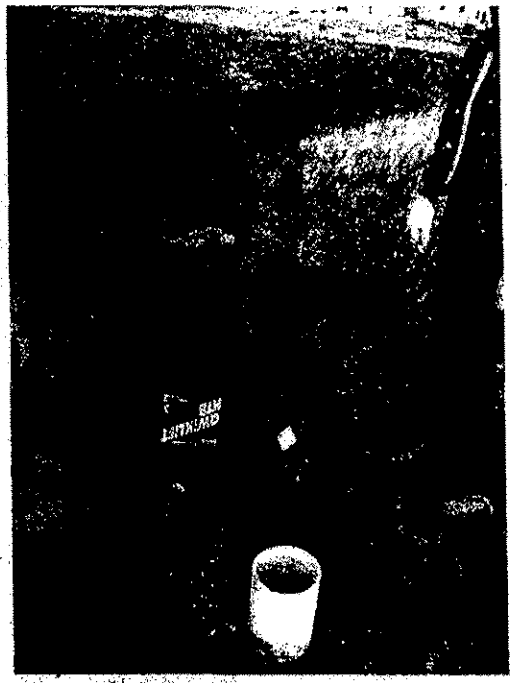


EPA Official Photograph

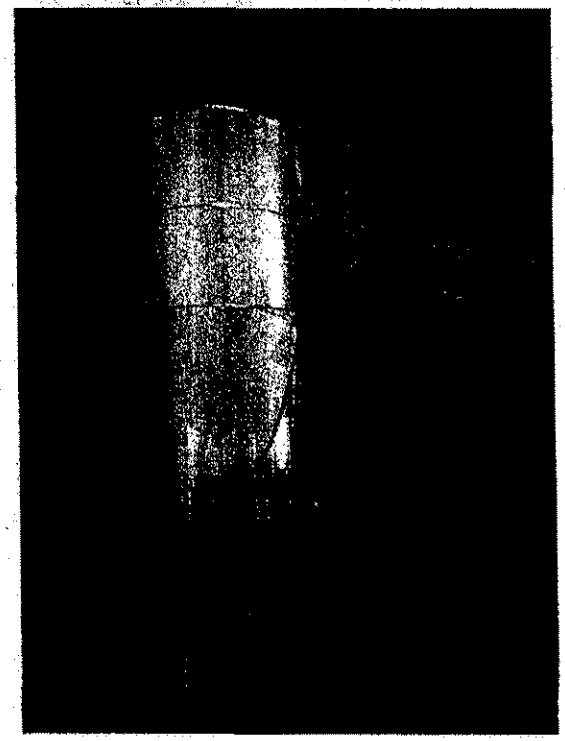
Subject: Well #2
PWS# 5601602
System: Ridgeway Community Well Association
County: Campbell
Date: 11/7/07 **Time:** 1400
Photographer: Lee Michalsky, RATES
1306 Patriot Street Billings, MT 59105



EPA Official Photograph
Subject: Well #3 (bckup well)
PWS# 5601602
System: Ridgeway Community Well Association
County: Campbell
Date: 11/7/07 **Time:** 1430
Photographer: Lee Michalsky, RATES
1306 Patriot Street Billings, MT 59105



Subject: Storage tank (9,240 gallons
PWS# 5601602
System: Ridgeway Community Well Association
County: Campbell
Date: 11/7/07 **Time:** 1300
Photographer: Lee Michalsky, RATES
1306 Patriot Street Billings, MT 59105
933 W Broadway Butte, MT 59701



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

Ref: 8P-W-DW

OCT 1 - 2007

Ruby Estates
c/o: Dale Ruby
2901 Four J Road
Gillette, WY 82718

Re: Survey of Water System
Ruby Estates

Dear Mr. Ruby:

You have recently been identified as possibly owning, operating, or planning a public water system in **State of Wyoming**. Under authority of the **Safe Drinking Water Act**, the U.S. Environmental Protection Agency (EPA) has defined a Public Water System as a system which serves piped water for human consumption to **25** or more people daily at least **60** days out of the year and/or has at least **15** service connections. Human consumption has been interpreted as including such normal uses as drinking, bathing, showering, cooking, dishwashing, and oral hygiene.

The U.S. Environmental Protection Agency is responsible for regulating Public Water Systems in Wyoming. **Please thoroughly complete the enclosed questionnaire and return it in the enclosed postage-paid envelope within five days of receipt of this letter**. If you need any assistance in completing the questionnaire, please contact me at 1-800-227-8917 ext. 312-6700 or 303-312-6700 or Charla Colson at 1-800-227-8917 ext. 312-6280 or at (303) 312-6280. We look forward to working with you in order to make your monitoring as easy as possible.

Sincerely,

B. McAlpine Johnson

Barbara A. McAlpine-Johnson
Drinking Water Unit
Drinking Water Program

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop St.
Denver, CO 80202
Phone 800-227-8917
http://www.epa.gov/region08

Mail Code: 8P-W-DW

Copy

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ridgeway Community Well Association
c/o Dale Ruby
2901 Four J Road
Gillette, WY 82718

RE: GWUDISW Assessment
PWS ID #WY5601602

Dear Mr. Ruby:

On November 7, 2007, Lee Michalsky, a contractor with the Environmental Protection Agency (EPA) conducted a sanitary survey at the Ridgeway Community Well Association drinking water system. The results of this visit indicate that the drinking water system is currently using 3 wells as its water supply source that may be ground water under the direct influence of surface water (GWUDISW).

The Surface Water Treatment Rule (SWTR) requires that each ground water source be assessed to determine if it is influenced by surface water. Surface water can contain human pathogens from fecal material, including *Cryptosporidium, Giardia*, bacteria, and viruses. If a ground water source is determined to be GWUDISW, the system must either provide filtration and disinfection, or disinfect and meet the filtration avoidance criteria (40 C.F.R. Section 141.70).

The sanitary survey conducted on November 7, 2007, included the first screening process of this assessment. We have concluded that the wells may be GWUDISW. As discussed in the survey report all three wells should have the following: a 4 feet by 4 feet bentonite or concrete slab installed around the well casings; all well caps should have appropriate sanitary seals; and the area immediately around the well heads should be mounded so that surface water or other liquids drain away from the well heads. In addition, the tank should have the following: the area surrounding the tank should be graded in a manner that will prevent surface water from ponding in the vicinity; all flat bottom tanks shall be supported on a ring-wall footing and concrete slab, or structurally compacted granular berm; the overflow should be repaired and should open downward, and be screened with a 24-mesh corrosion resistant screen; if a tank vent does not exist, one should be installed that opens downward at least 24 inches above the roof or sod, and is covered with a 24-mesh corrosion-resistant screen; and the tank should be protected from trespassing by fencing and a locked gate. If these improvements are taken to prevent the intrusion of surface water into the water source reassessment may allow us to conclude that it has low potential for direct influence of surface water. If these improvements are NOT taken to reduce the potential for contamination by surface water, the Ridgeway Community Well

Association will automatically be classified as GWUDISW, and must then meet the filtration and disinfection requirements of the SWTR.

Determining whether the improvements were adequately made will be based on an onsite evaluation following the improvements, and possibly one or more confirmatory microscopic particulate analyses (MPAs) may be required. A MPA determines if surface water bio-indicators are present in the well water, which aids in the determination whether these improvements have been successful in eliminating the influence of surface water.

Please contact me at 800-227-8917, ext. 6521, or directly at 303-312-6521, within the next 30 days to let me know whether the Ridgeway Community Well Association plans to make improvements to the wells and by what completion date, plans to abandon the wells, or plans to be classified as GWUDISW. You may contact Lee Michalsky to provide technical assistance for discussing improvements to the wells; he may be reached at (406) 252-2858.

Sincerely,

Tiffany Mifflin
Life Scientist
Drinking Water Unit

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov

JUL 24 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ref: 8P-W-DW

RIDGEWAY COMMUNITY WELL ASSOCIATION
c/o Dale Ruby
2901 Four J Road
Gillette, WY 82718

Re: Monthly Maximum Contaminant Level Violation
PWS ID#WY5601602C

Dear Mr. Ruby:

The U.S. Environmental Protection Agency (EPA) is responsible for ensuring that public water systems do not exceed maximum contaminant levels (MCL) contained in the National Primary Drinking Water Regulations (NPDWR). Compliance with the MCL for microbiological quality is based on the presence or absence of total coliforms in routine and repeat water samples.

A review of our records indicates that your water system has a violation of the total coliform MCL for the **month of July, 2008**. A violation occurs when two or more routine and/or repeat samples test positive for total coliform bacteria within the same month (Ref: 40 CFR § 141.63(a)(1)).

It is important that you initiate the following actions immediately:

(1) Notify your customers of this violation by hand or direct delivery. Do this as soon as possible but not later than 30 days after the violation. This notice could be included with your monthly billing to your customers. (Ref: 40 CFR 141.203(c)).

(2) If not already done, implement a course of action to correct water system deficiencies that may have contributed to this violation.

Enclosed is the public notice language that must be a part of your notices. You are required to forward a copy of your public notice to our office within ten (10) days of completion. Please use our drinking water program mail code **8P-W-DW** on your envelope.

Note that if you normally are required to submit less than 5 routine samples per month, you must take at least 5 routine samples in the month following any total coliform-positive routine result.

You should be aware that repeated violations of the regulations may result in formal enforcement action taken against your water system. If formal enforcement action were to be necessary, the Safe Drinking Water Act as amended provides for civil penalties up to $32,500 per day or Administrative Order penalties up to $27,500 for each day of violation. We prefer to resolve problems before such formal enforcement is necessary and ask your cooperation to rectify problems quickly and effectively.

Our goal is to work with you to ensure that safe drinking water is provided to your customers. If you would like help in writing an effective notice or have any questions about this letter, please call me at 1-800-227-8917, Extension 312-6280 or (303) 312-6280.

Sincerely,

Charla Colson

Charla Colson
Total Coliform Rule Manager
Public Water System Program

Enclosure

****

PUBLIC NOTICE

Date of Release:_____ **PWS Number:**_____

TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION

To All _____Water Users
(Name of water system/business)
Date of Violation _____

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

What should I do?
You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice from their health care providers about the drinking water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?
This is not an emergency. If it had been, you would have been notified immediately. Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli,* are present. We did not find any of these bacteria in our subsequent testing.

We are taking/have taken the following corrective actions:

_____

If you have any questions, please contact _____ at _____or
(Name of water system contact) (Phone)

_____.
(Mailing address of PWS contact)

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

****

SAMPLE: Suggested public notice language for Total Coliform Maximum Contaminant Level (MCL) Violation.
You may use the above notice sample or write your own.
PWS Operator/Responsible Party:

You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation. You must issue a repeat notice every three months for as long as the violation persists.

Community Systems must use one of the following methods:
- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:
- posting in conspicuous locations
- hand delivery
- mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Action
In your notice, describe corrective actions you are taking/have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:
- We are chlorinating and flushing the water system.
- We are increasing sampling for coliform bacteria.
- We are investigating the source of contamination.
- We are repairing the wellhead seal (or storage tank).
- We will inform you when additional samples show no coliform bacteria.

Please mail this statement of certification **and** a copy of the printed notice with your PWS ID# clearly written on it, along with the dates the notice was posted to:

CHARLA COLSON (8P-W-DW)
US EPA REGION 8
1595 WYNKOOP STREET
DENVER CO 80202-1129

Or, you can fax a copy to: Attn: Charla Colson at **303/312-6131**.
If you have questions about your total coliform violation call Charla Colson at 1-800-227-8917, ext. 312-6280 or (303) 312-6280.

Certification of Public Notification

I _____ **certify that the attached public notification was issued**
(PWS Operator/Responsible Party)

from _____ **to** _____.
(Date) (Date)

The attached notice was issued by _____.
(Method of delivery)

Signature_____ **Date**_____

Drinking Water Watch Log-In

Please allow at least 6 hours between the time you are notified of a successful registration and the time you first log into Drinking Water Watch. This will allow time for the synchronization of records.

Drinking Water Watch is available at the following URL: https://iaspub.epa.gov/Region8DWW/ .

To log in, type in your FirstName LastName as you typed it in at registration in the "User Name" field. Leave a space between first name and last name. If you used a middle initial, use that.
Enter the password you selected during registration into the "Password" field. The password is case-sensitive, so it must be typed exactly as it was during registration.

You do not need to provide your Outreach User ID here.

First, you will select the type of system (Wyoming)
You will be presented with a list of the system(s) for which you are authorized access. Select the system whose data you wish to view.

Reminders to Sample

Once you have logged in to Drinking Water Watch you have the option to subscribe for email reminders to sample for your system(s). If you have more than one system, you may choose to receive reminders for one, more than one, or all of your systems. Please note: this function is in development. We will let you know when you can expect these email reminders.

Ridge Way Community Well Association
2901 S 4-J Road
Gillette, WY 82718

June 19, 2008

U S Environmental Protection Agency
Region 8
Attention: Tiffany Mifflin
1595 Wynkoop St.
Denver, CO 80202

RE: PWS ID #WY5601602

Dear Ms. Mifflin:

Enclosed are four pictures that were taken out at the well sites for Ridge Way Water Well Association. This part of the project was completed on June 10, 2008.

They still have more of your requests to complete. They will still have to mound of the dirt around the concrete slabs and are working on the storage tank. As you can see, the overflow has been pointed downward. A tank vent has been installed on the top of the tank.

Please call or write and let us know about these updates.

Sincerely,

Jesse Dale Ruby

Jesse Dale Ruby

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
U. S. ENVIRONMENTAL PROTECTION AGENCY REGION 8
Drinking Water Unit (8P-W-DW)
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

April 22, 2008

Mail Code: 8P-W-DW

Dale Ruby
2901 FOUR J ROAD
GILLETTE WY 82718

Drinking Water Watch
Drinking Water Online

Dear Mr. Ruby
:

This letter is to notify you that the U.S. Environmental Protection Agency, Region 8 Drinking Water Unit (DWU) has prepared a private website, *Drinking Water Online*, with information especially for you. This website will not be found through Internet search engines. However, as a Wyoming or Tribal system administrative contact or operator, you may access the website by going to http://www.epa.gov/region8/waterops .
You will find navigation tips and a site map at the home page.

If you have Internet access, you will be able to obtain information and retrieve forms from DWU day or night. The website includes:

- emergency guidance, such as what to do when a TCR (bac-t) sample result is positive;
- reporting forms and instructions that can be downloaded with built-in formulae intact, such as for DBP precursor removal calculations;
- information about drinking water rules and regulations;
- information regarding sampling techniques, where to find a certified lab, what a sanitary survey entails, and how to prepare for emergencies;
- copies of newsletters and notices of training opportunities; and
- useful links to EPA HQ and external websites regarding drinking water treatment technology and techniques.

We are also providing personal password-protected access to information about your public water supply system(s) through *Drinking Water Watch*, which will be accessible from the *Drinking Water Online* website. Access to each system's data will be limited to those who work for, or provide technical and program assistance to the system. To accomplish this, we must ask all those authorized as such to register as a user and obtain a unique user name and password. Instructions are enclosed.

Drinking Water Watch will enable authorized users to register to receive email reminders of required sampling for upcoming monitoring periods. Based on sampling schedules and previously completed sampling, email reminders (ticklers) to monitor and report will be sent. This feature of *Drinking Water Watch* is not yet complete; however, we will notify registered users when this service becomes available.

Drinking Water Watch allows you to review inventory, sampling schedules, monitoring results, and validated violations data before the data are sent to EPA Headquarters or become available to the general public. Access is read-only. You will have the opportunity to notify DWU by email or telephone of any corrections you believe are needed. Navigating within Drinking Water Watch is self-explanatory. If you have questions about terms, please click on the Glossary button.

Please call Janet LaCombe, of my staff, for assistance at (303) 312-6287 or contact us by email at r8dwu@epa.gov . We look forward to extending our technical assistance to you through this website.

Sincerely,

Jack A. Rychecky, Chief
Drinking Water Unit

Enclosure

Enclosure

Registration and Log-In Procedures for Drinking Water Watch

Unique Outreach User ID

You do not have an email address on file with our office, so you will not be able to register at this time. If you provide your email address to our office, we can generate an Outreach User ID for you to use to verify your identity in registration. When you provide your email address to our office, please request that we notify you when your Outreach User ID is available, if you are interested in registering to view your system's data in Drinking Water Watch.

The User ID for you is provided for your personal use and is unique to you. DO NOT SHARE this ID number! The Outreach User ID helps protects your system data from access by unauthorized persons.

Meanwhile, you will be able to view the information and download reporting forms and guidance available at your private Drinking Water Online website at http://www.epa.gov/region8/wateronline .

Registration

Once you have received your Outreach User ID, please go to the "Drinking Water Online Registration" page at https://yosemite.epa.gov/r8/wateropsreg.nsf , also accessible from *Drinking Water Online* at the Registration and Account Maintenance link. Once there, select "Non-EPA users only – request a new account".

Please provide the following information:

- First name
- Last name
- E-mail address
- Password (created at the time of registration); and
- Outreach User ID

Make a note of how you type in your first name and your last name. These will become your login name, and must be typed exactly as they were entered. Be sure to record your password exactly as it appears, including all upper and lower case letters. These items are required to successfully log into Drinking Water Watch.

When you complete your registration, a new window should pop up to congratulate you on successful registration. If you attempt to register and run into a problem because the information does not match what we have on file for you, such as your email address, we will be notified and work with you to resolve the problem.

Your password will last 90 days. You will receive an email reminder to update your password with instructions on how to do so.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

February 11, 2008

Ref: 8P-W-DW

Re: Year 2008 Information Mailing to
Wyoming Public Water Systems

Dear Water System Operators and Owners:

This package is our annual mailing to all Wyoming public water systems. The enclosures for 2008 include the following:

1. Your 2008 monitoring schedule and water system inventory summary.
2. A schematic of your system that identifies your named entry point sample locations. *Please make any changes, sign, and return it to us.*
3. A newsletter covering a variety of topics of interest.
4. Our Drinking Water Unit contact list.
5. A set of return address labels to help assure we receive your sample results and other correspondence.
6. Consumer Confidence Reporting Tips and Certification Forms.
7. New Lead and Copper Revisions.

We hope you find this information helpful. If you have questions, comments or need for assistance, please call anyone of us here at Region 8.

Sincerely,

Jack A. Rychecky, Chief
Drinking Water Program

Rihshecky

Enclosures

Monitoring and Reporting Requirements
for the Calendar Year 2008

February 11, 2008

RIDGEWAY COMMUNITY WELL ASSOCIATION PWS ID#: WY5601602 (C/GW)

Water System Inventory

Water Source: GW
Water System Type: C

Service Connections: 19
Population Served: 60

Contact: Mr. DALE RUBY
Address: 2901 FOUR J ROAD
GILLETTE, WY 82718
Phone: 307-682-2396

Where to monitor and Whom to call

The "rule managers" responsible for administering the several monitoring and reporting rules are listed here. Any question or discussion should be directed to the appropriate rule manager, at the extension given.

1-800-227-8917

Sampling Points Defined in the System Schematic

SP01 210 BBL (8800 GAL) TANK

Monitoring for these contaminants is to be at the Defined Sampling Points:

Inorganic Chemicals	IOC	Rod Glebe	312-6627
Nitrate	Nitrate	Tiffany Mifflin	312-6521
Nitrite	Nitrite	Tiffany Mifflin	312-6521
Synthetic Organic Chemicals	SOC	Rod Glebe	312-6627
Volatile Organic Chemicals	VOC	Rod Glebe	312-6627

Monitoring for these contaminants will be within the distribution system:

Asbestos	Asbestos	Rod Glebe	312-6627
Disinfection Byproducts	DBP	Mary Wu	312-6789
Lead and Copper	Lead & Copper	Bre Bockstahler	312-6034
Radionuclides	Rads	Bre Bockstahler	312-6034
Total Coliform Rule	TCR	Charla Colson	312-6280

The following rules may apply:

Consumer Confidence Report	CCR	Janet LaCombe	312-6287
Surface Water Treatment Rule or Interim Enhanced SWTR	SWTR/IESWTR	Mindy Mohr	312-6525

IMPORTANT

You must use an EPA Region 8 laboratory certified to test for the contaminant.
Call **1-800-227-8917** and ask for th **Region 8 Drinking Water Certified Lab List**
or go to
http://www.epa.gov/region8/water/dwhome/wycon/dwlabs/dwlabs.html

If you have any questions concerning these monitoring requirements contact the appropriate rule manager at 1-800-227-8917.

Monitoring and Reporting Requirements
for the Calendar Year 2008

February 11, 2008

RIDGEWAY COMMUNITY WELL ASSOCIATION **PWS ID#: WY5601602 (C/GW)**

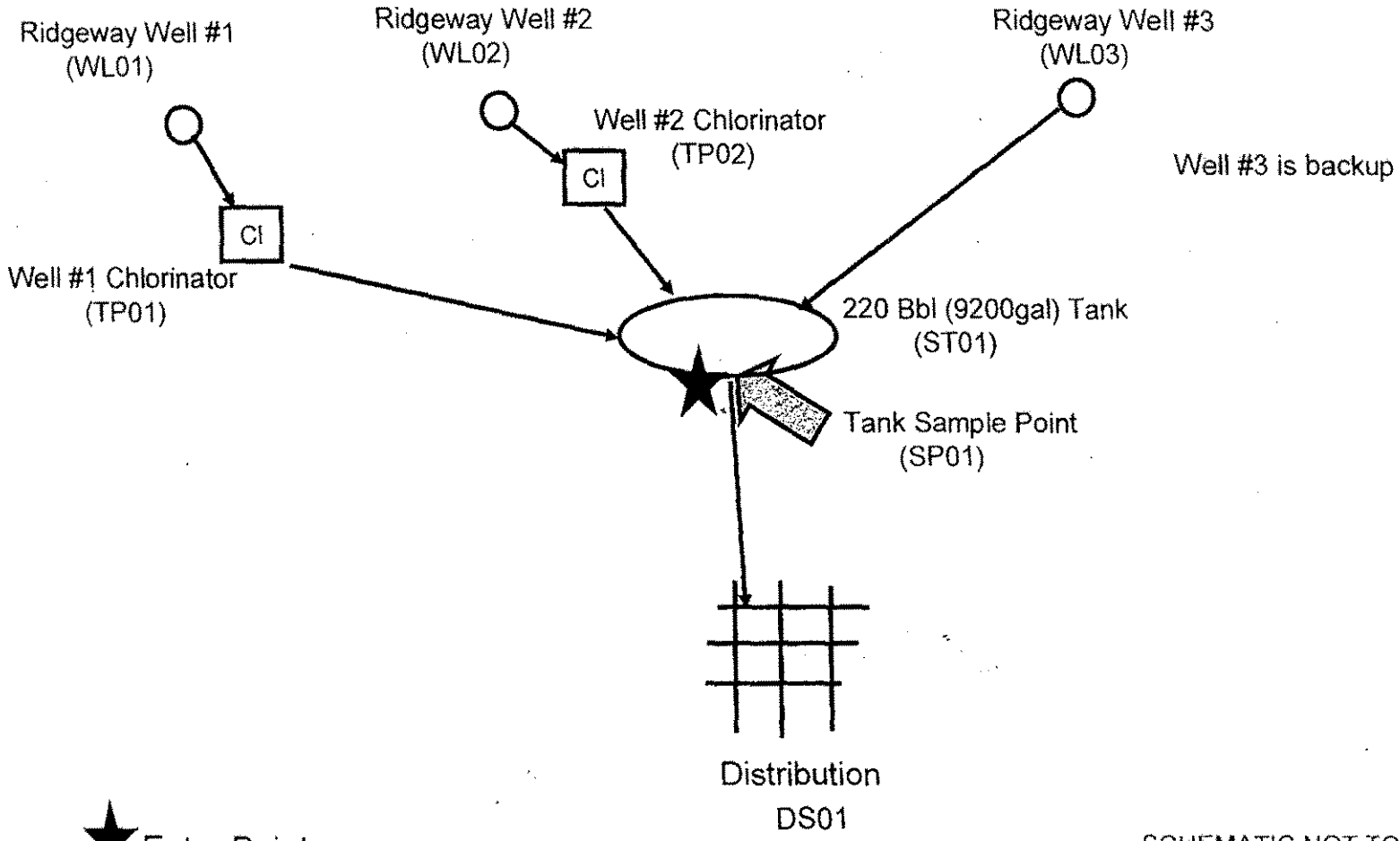
The requirements presented here are based on the information we have, which might not be completely accurate. We advise you to compare this information with data from your own files, and possibly contact the appropriate rule manager.

Total Coliform (TCR)	You must take one sample each month in 2008, at sites which are representative of water throughout the distribution system according to your site sampling plan.
Nitrate (NO3)	Between January 1, 2008 and December 31, 2008, take one sample for nitrate analysis at each Entry Point (Sample Point) to the distribution system.
Inorganic Chemicals (IOC)	Between January 1, 2008, and December 31, 2010, take one sample for IOC analysis at each sample point indicated on your system schematic.
Volatile Organic Chemicals (VOC)	You have been classified as a community or non-transient non-community system, so you must test VOCs for four quarters at each entry point to the distribution system. Begin this testing as soon as possible and continue for four calendar quarters. Call Rod Glebe at 303-312-6627.
Synthetic Organic Chemicals (SOC)	You have been classified as a community or non-transient non-community system, so you must test SOCs for four quarters at each entry point to the distribution system. Begin this testing as soon as possible and continue for four calendar quarters. Call Rod Glebe at 303-312-6627.
Disinfection Byproducts (DBP)	In the month with the warmest water temperature in 2008, take one (1) pair of TTHM/HAA5 samples at a location reflecting the longest residence time of your distribution system. Remember to measure chlorine residual at the same time and same location as your bacteriological samples. Include this information in your bacteriological sampling sheet for your laboratory to forward to EPA.
Lead and Copper	You are required to sample between January 1 and June 30, 2008.
Radionuclides	You must collect four consecutive quarterly samples from each entry point to your distribution system for radionuclide analysis.

If you have any questions concerning these monitoring requirements contact the appropriate rule manager at 1-800-227-8917.

Ridgeway Community Well Association

PWS ID #WY 5601602 C



★ Entry Point

Agreed to by

X_____

Date_____

Sample Points are for Nitrates, IOCs, SOCs, and VOCs

SCHEMATIC NOT TO SCALE
10/23/07
Chuck Lamb
Revised C Lamb 2-4-08

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED (and Sheriff delivery)

Jesse Dale Ruby, Registered Agent
J M Land & Developing Co.
2901 4 J Road
Gillette, WY 82718

AUG 27 2008

Jesse Dale Ruby, owner and operator
Ridgeway Community Well
2901 Four J Road
Gillette, WY 82718

RE: Emergency Administrative Order
under Section 1431 SDWA
Docket No. **SDWA-08-2008-0096**
PWS ID #5601602

Dear Mr. Ruby:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i. This Order is based upon loss of pressure in the distribution system connected to the Ridgeway Community Well water system (the "System") on August 21st and 24th, 2008. The System's water may pose an imminent and substantial endangerment to the health of persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions it finds necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part, that you issue a Boil Water Advisory and public notice until notified by EPA to discontinue such notice, increase sampling for total coliform bacteria, and submit a plan to prevent future loss of pressure incidents. The penalties for failing to comply are set forth in the Order. EPA has been informed that the water pressure has been restored and the storage tank and distribution system chlorinated. Please confirm whether these actions have been completed. Upon receipt of a sufficient number of consecutive daily total coliform bacteriological sample results that are analyzed as safe, EPA may allow the Boil Water Advisory to be discontinued.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917 X6481 or 303-312-6481 or Lisa Kahn at (800) 227-8917 X6896 or 303-312-6896. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,

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

Enclosure

cc: WY DOH & DEQ (via email)
Campbell County Commissioners (FYI only)
Duaine Faucett, The Water Guy (via fax)

DID YOU KNOW THAT IN 2006...

Wyoming had **285** community water systems (i.e., cities, towns, villages, rural subdivisions and mobile home parks) serving **455,887** customers. **262** of these water systems served **97.7%** of the customers and had no health-based violations of the Safe Drinking Water Act. The National goal was **94%.**

Wyoming had **88** non-transient non-community water systems (i.e., rural schools, churches, mines, power plants, etc.) serving a calculated population base of **18,339**. **84** of these water systems experienced no health-based violations of the Safe Drinking Water Act.

Wyoming had **390** transient non-community water systems (i.e., highway rest areas, campgrounds, motels, dude ranches, etc.) serving a calculated population base of **80,903**. **364** of these water systems had no health-based violations of the Safe Drinking Water Act.

Wyoming is the only State that has not applied for delegation of the Safe Drinking Water Act. Thus, Region 8 implements the Safe Drinking Water Act as the Primacy Agent. The State of Wyoming and Region 8 coordinate activities to ensure that consumers are served safe drinking water.

Region 8 is responsible for the following activities:

- Monitoring/reporting of water testing
- Sanitary surveys
- Technical assistance to water system operators
- Laboratory certification
- Compliance determinations
- Formal enforcement
- Homeland security

The State of Wyoming is responsible for the following activities:

- Plan and specification review
- Construction/well drilling permits
- Water rights
- Operator certification
- Capacity development
- Source water and well head protection
- Operation of state laboratories
- Food and beverage inspections
- Financing drinking water projects
- General public health

WYOMING DRINKING WATER UNIT

Region VIII, US EPA
Drinking Water Program
Mail Code: 8P-W-DW
1595 Wynkoop St.
Denver, CO 80202

Hours: 7:30 am-5:00 pm M-F

Telephone Numbers
Business Hour Voice: 303-312-6312
Business Hour Voice: 1-800-227-8917
Fax: 303-312-6131
24-Hour Message: 303-312-6327
24-Hour Emergency: 1-800-424-8802

Web Address
http://epa.gov/region8/water/dwhome/dwhome.html

Drinking Water Program Staff

Breann Bockstahler (ext 6034)
- Radionuclides Rule Manager
- Lead and Copper Rule Manager

Bob Clement (ext 6653)
- Technical Assistance
- TCR/Distribution System Draft/rule

Charla Colson (ext 6280)
- Total Coliform Rule (TCR) Manager
- PWS Inventory/Database Manager
- TCR/Distribution System Draft/rule

Gail Franklin (ext 6497)
- Sanitary Survey Manager

John Gillis, Ph.D. (ext 6274)
- Wyoming Team Leader

303-312-6274

Drinking Water Program Staff
All Numbers (303) 312-(extension)

Jack Rychecky (ext 6812)
Drinking Water Program Chief

Rod Glebe (ext 6627)
- Phase II/V Chemical Rules Manager
- Unregulated Contaminants
- Total Coliform Public Notice
- Monitoring Waivers

Janet LaCombe (ext 6287)
- Safe Drinking Water Information System (SDWIS) Database Information
- Consumer Confidence Report Rule Manager
- Web-Based Outreach Development Manager

303-312-6521

Tiffany Mifflin (ext 6521)
- DBPR Early Implementation Specialist
- GWUDI Analyst
- Nitrates Rule Manager

Mindy Mohr (ext 6525)
- Surface Water Treatment Rule Manager
- Interim/ Long Term 1 Enhanced Surface Water Treatment Rule Manager
- Long Term 2 Enhanced Surface Water Treatment Rule Manager

Drinking Water Program Staff

Marty Swickard (ext 7021)
- Pandemic Influenza Coordinator
- Homeland Security Coordinator

Jack Theis (ext 6347)
- Groundwater Rule Manager

Mary Wu (ext 6789)
- Stage 1, Disinfectants/Disinfection By-Products (DBP) Rule Manager
- Stage 2, Disinfectants/Disinfection By-Products (DBP) Rule Manager
- Treatment Techniques Technical Assistance

In-House Contract Support
- Ann Curry (x 312-7004)
- Warren Coen (ext 312-6078)
- Chuck Lamb (ext 312-6261)
- Barbara McAlpine-Johnson (ext 312-6873)
- Edison Sarmast (ext 312-6216)
- Don Zacharisen (ext 312-6248)

WHO YA GONNA CALL?

When you have a major emergency
When you are overwhelmed

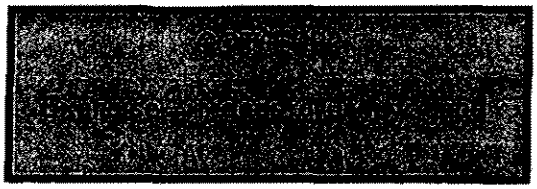
When you need

Recent events like Hurricane Katrina, have shown us that the best help for water systems comes from other water systems. No one gets to you faster. No one else understands your problems like fellow utilities. As has happened in many other states, water utilities in Wyoming have formed a water agency Response Network—WyoWARN. It is based on the idea of "Utilities Helping Utilities" through mutual aid. It is totally

voluntary.
For more information, go to www.wyowarn.org. or call Clint Bassett at Cheyenne Board of Public Utilities:(307) 637-6415.

And Speaking of Emergencies.....

- Does your water system have an Emergency Response Plan (ERP)?
- Do you exercise it?
- Is it up to date?
- Have you exercised it lately?
- Does it include the role of law enforcement and first responders?
- Have you exercised your ERP with them?
- Do you have plans for exercising your Emergency Response Plan (ERP) routinely?
- Does it cover loss of power, loss of source water, loss of storage, contamination of distribution, loss of operators (for example, they all get sick? etc.?



There is a lot of information available about emergency planning for water systems.

For starters go to:

U.S. Environmental Protection Agency

www.epa.gov/watersecurity

or Contact:

Marty Swickard, EPA Region 8, 1-800-227-8917, Extension 312-7021 swickard.marty@epa.gov.

Other Organizations:

- American Water Works Associations
  www.awwa.org.
- Wyoming Association of Rural Water Systems
  www.warws.com.

Water Trivia—Can you answer?

1. **What date of the month are results due to EPA?**
2. **How many gallons of water does a typical flush from a toilet use?**
3. **What are nitrates?**
4. **What is MDRL?**
5. **What is ERP?**
6. **What is WyoWarn?**

Answers are in the newsletter.

EPA WaterSense

What is WaterSense?

WaterSense program was established by the U.S. Environmental Protection Agency (EPA) on June 12, 2006. Its mission is to protect the future of our nation's water supply by promoting and enhancing water-efficient products and services. Through this national program, local water utilities, product manufacturers, and retailers work with EPA to encourage water-efficient products, services and practices. The main goal of the program is to decrease indoor and outdoor non-agricultural water use and to help customers differentiate between products in the marketplace, while ensuring product performance and encouraging innovation in manufacturing.

What does WaterSense do?

WaterSense is a symbol for water efficient products, services and practices. By setting performance and water use specifications, WaterSense helps consumers identify products that meet EPA criteria for efficiency and performance. A WaterSense label as shown here,

is issued for any product that meets EPA criteria. For example: The WaterSense label appears on high-efficiency toilets that use 20 percent less water than standard models. EPA is also partnering with landscape irrigation professionals to label their programs focusing on water efficiency with the WaterSense label. In the future, EPA will consider additional indoor and outdoor home products, as well as commercial products.

How can I get involved?

Water shortages have typically been a concern in the Western United States. Today water managers in at least 36 states expect local or regional water shortage to occur over the next several years. By choosing products with the WaterSense label, you'll be saving water for future generations. And most importantly, the environment benefits from a few simple actions that we all can take.

- Consumers can reduce their water bills—Look for products with WaterSense labels for your home.
- Use a WaterSense irrigation partner for your landscape water system.
- Manufactures can offer water-efficient products that perform as well as, or better than, conventional models.
- Businesses can help increase the marketability of the water-efficient products they sell.

Food for Thought—Every drop counts

1. If all inefficient toilets in U.S. homes were converted to WaterSense labeled toilets, we would save enough water equal to 15 days of flow over Niagara Falls.
2. Toilet models from 1992 or earlier use between 3.5 to 7 gallons per flush. New and improved high-efficiency models use less than 1.3 gallons per flush—that's at least 60 percent less than their counterparts.
3. Leaky faucets that drip at the rate of one drop per second can waste more than 3,000 gallons of water each year.
4. The typical single-family suburban household uses at least 30 percent of their water outdoors for irrigation. Some experts estimate that more than 50 percent of landscape water use goes to waste due to evaporation or runoff caused by over watering! Drip irrigations systems use between 20 to 50 percent less water than conventional in-ground sprinkler systems. they are also much more efficient than conventional sprinklers because no water is lost to wind, runoff and evaporation.
5. It takes a considerable amount of energy to deliver and treat the water we use everyday. American public water supply and treatment facilities consume about 56 billion kilowatt-hours (kWh) per year—enough electricity to power more than 5 million homes for an entire year. For example, letting our faucet run for five minutes uses about as much energy as letting a 60-watt bulb run for 14 hours.

For more information please visit the EPA WaterSense website at www.epa.gov/watersense; call WaterSense at (866-WTR-SENS(987-7367); or e-mail at watersense@epa.gov

WYOMING PUBLIC WATER SYSTEMS NEWSLETTER
WEBSITE : HTTP://EPA.GOV/REGION 8/WATER/DWHOME/DWHOME.HTML

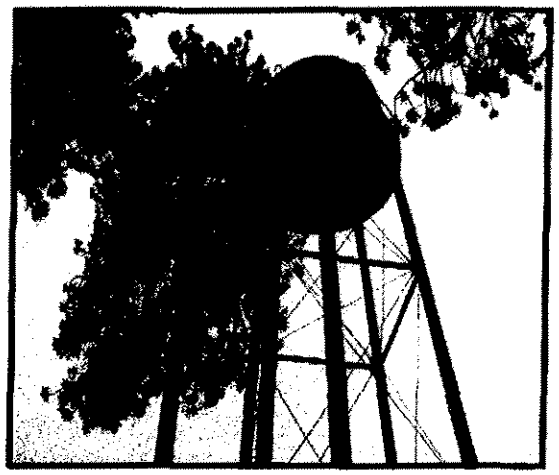
2008 Annual Mailing

Another year has passed and we are looking forward to a healthy and happy 2008!

In our 2008 newsletter we have incorporated information and updates of our rules as well as news of changes and notes of interest.

We look forward to communicating with you and your staff throughout the year.

Please feel free to contact us with any questions or concerns or just call and say Hello! We are here to serve you!



General Sampling Information

- **Please send only your lab results. Send copies, keep originals with your records, the Chain of Custody or other additional pages are not necessary.**
- **You must use a laboratory certified by Region 8 for <u>each</u> contaminant you are having analyzed. The lab can contact Jim Gindelberger at 303-312-6984 to obtain certification (or reciprocal certification if already certified by another State or EPA Region.**
- **Reminder!! Results are due to EPA by the 10th of each month following the end of the monitoring period.**
- **Please don't assume your lab sends all results to EPA. Check with them. <u>You</u> may have to send your results to us yourself!**

Special points of interest:

- Our new location!
- New Rules
- New e-mail process for reports
- New lead and copper revisions

"My books are like WATER; those of the great geniuses are wine — Everybody drinks WATER"!

Mark Twain

1835-1910

American Humorist/Writer

Inside This Issue

Nitrate Sampling Reminder for 2008

A BIG thank you to all the systems that sampled for their nitrates by the end of their open periods in 2007! A couple of systems were subjected to incessant reminders to monitor for nitrates via phone, letters and e-mails. **Remember, unless otherwise specified, you do not have to wait until the very end of your open season to monitor for nitrates.** Go ahead and take those nitrates early in your open season!

Some Sampling Assistance

Make sure your sample results have your PWS number. To ensure your system receives its appropriate monitoring credit for sampling, please make sure the sample results sent to EPA has your public water system number.

Double check the proper amount of samples that need to be taken. We here at Region 8 would rather have you call and ask questions than receive a violation.

Never wait until the last day of your monitoring period to conduct sampling. If you sample early you could avoid having a late sample violation.

Be sure to sample for the appropriate contaminants at the correct sampling points within the correct time frame(s). The EPA Region 8 Drinking Water Unit realizes that sampling can be confusing. If you have any questions, call us! We really are here to assist YOU!

TOC, VOC, and SOC Rules

There are no new changes. However, some water sample collection reports submitted to the labs do not request a complete analysis for all of the required contaminants and then additional sampling is required.

The Stage 1 DBPR Corner

Maximum Residual Disinfectant Level (MRDL):
Remember to measure Chlorine Residual at the same time and same location when you take your bacteriological sample. Free, total or combined chlorine residual can be measured. You can record measured chlorine residual data on your bacteriological sampling sheet and ask your laboratory to include this information when they report their bacteriological sampling result. If your laboratory cannot provide you with this service, you must either submit a separate report on chlorine residual measurement to EPA, or by adding chlorine residual information to your bacteriological test sheet from your laboratory before submitting your bacteriological report to EPA to avoid a monitoring and reporting violation. Please work with your laboratory to reduce your reporting burden.

TTHM/HAA5, and TOC Reporting: We have developed Excel forms to help you report your TTHM and TOC data to EPA for every quarter. These Excel forms can automatically calculate running annual average for your quarterly TTHM/HAA5 data, and for TOC removal percentage of your treatment plant performance to determine if the plant performs adequately to meet the enhanced coagulation requirement under the Stage 1 DBPR. **We strongly urge you to e-mail these forms to EPA by the 10th day following the end of each quarter.** Laboratory analysis sheets must also be submitted to support data. Therefore, if your laboratory can report TTHM/HAA5, and TOC test results to you by e-mail, you can forward laboratory analysis sheets when you e-mail the Excel forms to us. This electronic reporting process can save you lots of paper work, fax costs and postal expenses. We try our best to help you reduce your reporting burden. Any questions about this reporting process, please contact Harry Jong, Edison Sarmast or Mary Wu at the contact information enclosed in this package.

New LT2 Surface Water Treatment Rule—ACTION REQUIRED IN 2008!

The final **Long Term 2 ("LT2") Enhanced Surface Treatment Rule** has the goal of reducing the risk of disease caused by *Cryptosporidium* and other micro-organisms, by identifying the drinking water systems at the greatest risk for source water contamination.

The LT2 rule for drinking water applies to **ALL** public water systems which treat Surface Water (SW) or Groundwater Under the Direct Influence of Surface Water (GWUDI). **This LT2 rule is in addition to the existing Surface Water Treatment Rules, which remain in effect.**

By now, the larger systems in Wyoming (serving 10,000 or more people) either have committed to install the maximum treatment (5.5 logs) by their compliance date, have provided grandfathered *Cryptosporidium* monitoring data or are starting the *Cryptosporidium, E. coli,* and turbidity monitoring.

For those systems that serve less than 10,000 people (Schedule 4 filtered systems), you should have received a large package from EPA last October, explaining that Schedule 4 filtered systems must monitor their source (raw) water for E. coli at every filtration plant at least once every two weeks, for 12 months, unless the system is already achieving the maximum reduction of *Cryptosporidium.* **If you did not receive this LT2 package from EPA or have not already spoken to Mindy Mohr, please call extension 312-6525.**

To Summarize the LT2 Compliance options for Schedule 4 systems:

Option 1—Maximum Treatment

Systems may avoid the LT2 source water monitoring completely if they notify EPA that they are currently achieving a total of at least 5.5 logs of *Cryptosporidium* reduction, or if they intend to achieve this level by the applicable treatment compliance date (October 1, 2014 for Schedule 4 systems).

For smaller water systems, it may be cost-effective to install a UV disinfection system to obtain this waiver, as opposed to the expense of this source water monitoring (now and the second round of *E. coli* monitoring in 2019).

****The Notice of Intent to Provide Maximum Treatment must be received by EPA no later than July 1, 2008.**

Option 2—Conduct LT2 Source Water Monitoring

If you do not intend to provide maximum treatment, and your public water system will do the source water monitoring for *E. coli,* you must prepare a Source Water Monitoring Plan before you start sampling. The Source Water Monitoring Plan must be received no later than July 1, 2008.

Please ensure that you either conduct the LT2 monitoring for *E. coli,* or obtain the waiver for maximum treatment. **Failure to do either will result in a requirement to conduct the full monitoring for *Cryptosporidium* (at least 24 samples, each sample costing at least $500 for shipping and analysis).**

For questions on the LT2 rule, contact Mindy Mohr at 800-227-8917, extension 312-6525, or email at mohr.mindy@epa.gov.

EPA Public Water System Enforcement Actions in Wyoming

We know that of course the topic of enforcement is not everyone's favorite topic, but we are providing the following overview for your information. EPA is not only responsible for implementing the National Primary Drinking Water Regulations (NPDWR) in Wyoming, but is also responsible for issuing orders and penalties when public water systems fail to comply with NPDWR requirements.

From June 2006 to September 2007, EPA issued 36 administrative orders and 6 emergency administrative orders to Wyoming systems in violation of NPDWR requirements. EPA also settled 7 complaints for penalty during this time for a total penalty amount of $6,600. The number of water systems receiving penalties is quite low compared to the total of compared to the total of 770 water systems of all types in Wyoming. Most water systems should be proud of their efforts to remain in compliance.

An emergency administrative order is issued by the EPA when there is potential for imminent and substantial endangerment to public health at a public water system. This past year, emergency orders were issued for samples positive for fecal coliform or E. coli bacteria, and for complete loss of system pressure.

An administrative order is issued by EPA when a public water system is not in compliance with the NPDWR requirements. These orders require the systems to comply with the violated regulations and sometimes require the owner to take specific actions to help comply with the violated regulations. This past year, administrative orders were primarily issued for failing to monitor for different types of contaminants or exceeding the maximum allowed contaminant level for different contaminants (usually total coliform).

A complaint for penalty is issued by EPA when a public water system violates requirements in an administrative order or an emergency order. EPA may collect a penalty fee from a system as settlement of a complaint for penalty. Factors for calculating the penalty amount include the seriousness of the violations and the population size at risk.
We encourage public water systems owners and operators to meet their environmental and public health obligations and avoid enforcement actions. Further questions may be directed to Lisa Kahn at 303-312-6896 (or toll free at 1-800-227-8917, extension 312-6896), from within WY) or kahn.lisa@epa.gov.

ATTENTION!

All community water systems and non-transient, non-community water systems! There are new revisions for the Lead and Copper Rule effective for you in April, 2008. Be sure to read over the enclosed handout for more details. Be watching your mail in the next few months for more information, as well as the new public education forms. If you have any questions, you can reach you can reach Bre Bockstahler by phone at 1-800-227-8917, ext, 312-6034 or 303-312-6034, or by e-mail at bockstahler.breanne@epa.gov.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

Please send a copy of your notice and dates posted to:

Kathelene Brainich
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kathelene Brainich at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____.
(Date) (Date)

The attached notice was issued by _____.
(Method of delivery)

Signature _____ Date _____

DRINKING WATER WARNING

RIDGEWAY COMMUNITY WELL water system lost pressure in the distribution system

BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The Ridgeway Community Well water system lost pressure in the distribution system on August 21st and 24th, 2008. This may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for three minutes**, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.

- A loss of pressure in the distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that contamination and disease causing organisms could enter the distribution system.

- Bacteria and other organisms can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.

- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

[Give a description of what is being done, where consumers may get an alternate source of water provided by Dale Ruby, etc.]

For more information, please contact [name of contact] at [phone number] or [mailing address]. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by _____ Date distributed: _____.

Attachment A - PRESSURE LOSS_BOIL ORDER

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Ridgeway Community Well system. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations ("NPDWRs") violations. Respondents shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R.§ 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

The drinking water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., **SHALL BE BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE**, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

Instructions for Emergency Notice – Community (Tier 1)

Template on Reverse

Loss of pressure is a Tier 1 violation so public notice to persons served must be conducted as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF	)	
	)	
J M Land & Developing Co.	)	**EMERGENCY ADMINISTRATIVE ORDER**
and Dale Ruby	)	
Gillette, Wyoming	)	
PWS ID #: WY5601602	)	Docket No. **SDWA-08-2008-0096**
Ridgeway Community Well	)	
Respondents.	)	

2008 AUG 27 PM 2:53

EPA REGION VIII
HEARING CLERK

AUTHORITY AND FINDINGS

This Order is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the "Safe Drinking Water Act" or "Act"). 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated the authority to issue this Order.

Failure to comply with this Order may result in civil penalties of up to $16,500 per day. 42 U.S.C. § 300i(b) and C.F.R. part 19.

EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).

Respondent J M Land & Developing Co. is a corporation under the laws of the state of Wyoming as of June 20, 1978. Respondent Jesse Dale Ruby is an individual. Each Respondent is therefore a "person" as that term is defined in the Act. 40 U.S.C. § 1401(12).

Respondents own and/or operate the Ridgeway Community Well water system (the "System"), located on Ridgeway Road in Gillette, Wyoming, that provides water to the public for human consumption.

Any system that provides water to the public through pipes or other constructed conveyances and that has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year is a "public water system" subject to the requirements of the Act, 42 U.S.C. § 300f et seq., and its implementing regulations, 40 C.F.R. part 141.

The System serves an average of 60 persons daily via pipes through 17 service connections and is therefore a "public water system" subject to the Act and 40 C.F.R. part 141.

EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to human health. EPA has made this determination because all day on August 21, 2008, and for five to six hours on August 24, 2008, the System ran out of water in the storage tank, leading to a loss of pressure in the System's distribution system, including the System's pipes. Information provided by System users indicates loss of pressure is not an unusual event at Ridgeway Community Well. Loss of pressure may cause a net movement of

U.S. ENVIRONMENTAL PROTECTION AGENCY

Safe Drinking Water Act (SDWA)

Safewater Home

SDWA Home
Basic Information
Laws & Statutes
Regulations & Guidance
30th Anniversary

Regulations & Guidance

Current Drinking Water Rules (by date issued) (ALL ABOUT PDF FILES)
Chart of key regulatory dates (2000-2006) PDF file

- Drinking Water Contaminant Candidate List 2; Final Notice
- National Primary Drinking Water Regulations: Ground Water Rule
- Stage 2 Disinfectants and Disinfection Byproducts Rule (January 4, 2006)
- National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (January 5, 2006)
- National Primary Drinking Water Regulations: Analytical Method for Uranium
- Withdrawal of Direct Final Rule; National Primary Drinking Water Regulations: Analytical Method for Uranium
- National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper (June 29, 2004)
- National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. coli in Drinking Water; Final Rule (February 13, 2004)
- Unregulated Contaminant Monitoring Regulation: Approval of Analytical Method for Aeromonas; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Final Rule (October 29, 2002)
- Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update; Final Rule (October 23, 2002) (read online) (PDF) (Fact Sheet)
- Unregulated Contaminant Monitoring Regulation for Public Water Systems; Establishment of Reporting Date: Direct Final Rule (March 12, 2002) (read online)
- Long Term 1 Enhanced Surface Water Treatment Rule (January 14, 2002) (read online) ~ (PDF)
- Unregulated Contaminant Monitoring Amendment to List 2 Rule and Delay of Reporting Monitoring Results (September 4, 2001) - Direct Final Rule
- Filter Backwash Recycling Rule (June 8, 2001) (read online) ~ (PDF)
- Arsenic Rule (Jan 22, 2001) (read online)
- Unregulated Contaminant Monitoring List 2 Rule (Jan. 11, 2001) HTML
- Radionuclides Rule (Dec 7, 2000)
- Drinking Water State Revolving Fund Rule (Aug 7, 2000) (HTML) ~ (PDF)

Drinking Water Regulations

Current Rules

Proposed Rules

Code of Federal Regulations

Guidance & Policy

Drinking Water Standards (List of Contaminants & MCLs)

- Removal of the MCLG for Chloroform (May 30, 2000) (HTML)
- Public Notification Rule (May 4, 2000)
- Analytical Methods for Perchlorate and Acetochlor (Mar 2, 2000) (HTML)
- Lead and Copper Rule minor revisions (Dec 20, 1999) (HTML)
- Underground Injection Control Regulations for Class V Injection Wells (Dec 7, 1999)
- Analytical Methods for Chemical and Microbiological Contaminants and Revisions to Laboratory Certification Requirements (Dec 1, 1999)
- Revisions to the Unregulated Contaminant Monitoring Rule (Sep 17, 1999)
- Suspension of Unregulated Contaminant Monitoring Requirements for small public water systems (Jan 8, 1999)
- Interim Enhanced Surface Water Treatment Rule (Dec 16, 1998) (HTML) ~ (PDF)
- Stage 1 Disinfectants and Disinfection Byproducts Rule (Dec 16, 1998) (HTML) ~ (PDF)
- Consumer Confidence Report Rule (Aug 19, 1998)
- Variances and Exemptions Rule (Aug 14, 1998) (HTML) ~ (PDF)
- Drinking Water Contaminant Candidate List (March 2, 1998)
- Revisions to State Primacy Requirements (April 28, 1998) (HTML)
- Small System Compliance Technology List for the Surface Water Treatment Rule (Aug 6, 1997) (PDF)
- Withdrawal of 1991 proposed rule on Radon-222 (Aug 6, 1997) (HTML)
- Analytical Methods for Radionuclides (Mar 5, 1997) (HTML)
- Information Collection Rule (May 14, 1996) (HTML) ~ (PDF)

Proposed rules and other notices open for public comment

Newly proposed rules are listed on the Open for Comment page

Proposed Rules and Notices for which the comment period has closed (date closed)

- Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions
- Agency Information Collection Activities: Proposed Collection; Comment Request; Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium Under the Safe Drinking Water Act, EPA ICR Number 2067.02, OMB Control Number 2040-0246
- Agency Information Collection Activities: Proposed Collection; Comment Request; Underground Injection Control (UIC) Program; EPA ICR No. 0370.18; OMB Control No. 2040-0042
- National Primary Drinking Water Regulations: Analytical Method for Uranium - Proposed Rule
- Disinfectants/Disinfection By-Products, Chemical, and Radionuclides Rules Information Collection Rule (Renewal)
- Microbial Rules Information Collection Rule (Renewal)
- Public Water System Supervision Program Information Collection Rule (Renewal)
- The Final Draft of the Tribal Drinking Water Operator Certification Program Guidelines is available and EPA is requesting comments
- Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures - Proposed Rule
  - Federal Register Notice
  - More Information
- National Primary Drinking Water Regulations: Minor Corrections and

Clarification to Drinking Water Regulations (May 3, 2004)
- Proposed Aeromonas and NPDWR Methods Rule (May 6, 2002)
- Proposed radon rule (November 2, 1999)
- Sulfate health effects study (May 12, 1999)

Code of Federal Regulations (PDF files) -- The CFR compiles all rules currently in effect as of the date posted on the eCFR site.

- National Primary Drinking Water Regulations 40 CFR part 141
- National Primary Drinking Water Regulations Implementation 40 CFR part 142
- National Secondary Drinking Water Regulations 40 CFR part 143
- Underground Injection Control Program 40 CFR part 144
- State UIC Program Requirements 40 CFR part 145
- Underground Injection Control Program Criteria & Standards 40 CFR part 146
- State Underground Injection Control Programs 40 CFR part 147
- Hazardous Waste Injection Restrictions 40 CFR part 148
- Sole Source Aquifiers 40 CFR part 149

Guidance and Policy

- Water Supply Guidance
- Quick Reference Guides
  - Standardized Monitoring Framework (EPA 816-F-04-010 March 2004)
  - Lead and Copper Rule: A Quick Reference Guide (EPA 816-F-04-009 March 2004) (125 K PDF FILE)
- Guidance on new rules:
  - Arsenic Rule
  - Consumer Confidence Report Rule
  - Lead and Copper Rule
  - Microbial and Disinfection Byproducts Rules
  - Public Notification Rule
  - Radionuclides Rules
  - Unregulated Contaminant Monitoring Rule
- Guidance for Small Systems
- Alternative Monitoring Guidelines
- Guidance on the Drinking Water State Revolving Fund Program
- Guidance on Analytical Methods for Drinking Water (1998)
- Manual for the Certification of Laboratories Analyzing Drinking Water
- Guidance on Data/Databases
- Guidance on State Source Water Assessment and Protection Programs (1997)
- Guidance for Future State Ground Water Protection Grants (1997)

Electronic Code of Federal Regulations
e-CFR™

e-CFR Data is current as of February 2, 2009

TITLE 40--Protection of Environment

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D--WATER PROGRAMS

PART 141--NATIONAL PRIMARY DRINKING WATER REGULATIONS

Subpart A--GENERAL

Subpart B--MAXIMUM CONTAMINANT LEVELS

Subpart C--MONITORING AND ANALYTICAL REQUIREMENTS

§141.24	Organic chemicals, sampling and analytical requirements.
§141.25	Analytical methods for radioactivity.
§141.26	Monitoring frequency and compliance requirements for radionuclides in community water systems.
§141.27	Alternate analytical techniques.
§141.28	Certified laboratories.
§141.29	Monitoring of consecutive public water systems.
Appendix	Appendix A to Subpart C of Part 141 --Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act

Subpart D--REPORTING AND RECORDKEEPING

§141.31	Reporting requirements.
§141.32	[Reserved]
§141.33	Record maintenance.
§141.34	[Reserved]
§141.35	Reporting for unregulated contaminant monitoring results.

Subpart E--SPECIAL REGULATIONS, INCLUDING MONITORING REGULATIONS AND PROHIBITION ON LEAD USE

§141.40	Monitoring requirements for unregulated contaminants.
§141.41	Special monitoring for sodium.
§141.42	Special monitoring for corrosivity characteristics.
§141.43	Prohibition on use of lead pipes, solder, and flux.

Subpart F--MAXIMUM CONTAMINANT LEVEL GOALS AND MAXIMUM RESIDUAL DISINFECTANT LEVEL GOALS

§141.50	Maximum contaminant level goals for organic contaminants.
§141.51	Maximum contaminant level goals for inorganic contaminants.

Subparts M-N--[RESERVED]

Subpart O--CONSUMER CONFIDENCE REPORTS

Subpart P--ENHANCED FILTRATION AND DISINFECTION--SYSTEMS SERVING 10,000 OR MORE PEOPLE

Subpart Q--PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

§141.206	Notice to new billing units or new customers.
§141.207	Special notice of the availability of unregulated contaminant monitoring results.
§141.208	Special notice for exceedance of the SMCL for fluoride.
§141.209	Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under 141.11(d)
§141.210	Notice by primacy agency on behalf of the public water system.
§141.211	Special notice for repeated failure to conduct monitoring of the source water forand for failure to determine bin classification or meanlevel.
Appendix	Appendix A to Subpart Q of Part 141 --NPDWR Violations and Other Situations Requiring Public Notice
Appendix	Appendix B to Subpart Q of Part 141 --Standard Health Effects Language for Public Notification
Appendix	Appendix C to Subpart Q of Part 141 --List of Acronyms Used in Public Notification Regulation

Subpart R--[RESERVED]

Subpart S--GROUND WATER RULE

§141.400	General requirements and applicability.
§141.401	Sanitary surveys for ground water systems.
§141.402	Ground water source microbial monitoring and analytical methods.
§141.403	Treatment technique requirements for ground water systems.
§141.404	Treatment technique violations for ground water systems.
§141.405	Reporting and recordkeeping for ground water systems.

Subpart T--ENHANCED FILTRATION AND DISINFECTION--SYSTEMS SERVING

FEWER THAN 10,000 PEOPLE

§141.550	Is my system required to meet subpart T combined filter effluent turbidity limits?
§141.551	What strengthened combined filter effluent turbidity limits must my system meet?
§141.552	My system consists of "alternative filtration" and is required to conduct a demonstration--what is required of my system and how does the State establish my turbidity limits?
§141.553	My system practices lime softening--is there any special provision regarding my combined filter effluent?
§141.560	Is my system subject to individual filter turbidity requirements?
§141.561	What happens if my system's turbidity monitoring equipment fails?
§141.562	My system only has two or fewer filters--is there any special provision regarding individual filter turbidity monitoring?
§141.563	What follow-up action is my system required to take based on continuous turbidity monitoring?
§141.564	My system practices lime softening--is there any special provision regarding my individual filter turbidity monitoring?
§141.570	What does subpart T require that my system report to the State?
§141.571	What records does subpart T require my system to keep?

Subpart U--INITIAL DISTRIBUTION SYSTEM EVALUATIONS

§141.600	General requirements.
§141.601	Standard monitoring.
§141.602	System specific studies.
§141.603	40/30 certification.
§141.604	Very small system waivers.
§141.605	Subpart V compliance monitoring location recommendations.

Subpart V--STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Subpart W--ENHANCED TREATMENT FOR

§141.716	Source toolbox components.
§141.717	Pre-filtration treatment toolbox components.
§141.718	Treatment performance toolbox components.
§141.719	Additional filtration toolbox components.
§141.720	Inactivation toolbox components.
§141.721	Reporting requirements.
§141.722	Recordkeeping requirements.
§141.723	Requirements to respond to significant deficiencies identified in sanitary surveys performed by EPA.

outside water into the System's pipes through the types of cracks, breaks, and joints that are common in all water systems' pipes. This movement presents a high potential for disease-causing organisms to contaminate the System's water.

Prior to issuing this Order, EPA consulted with the System and with state or local governmental authorities to confirm the facts and the potential endangerment and has determined that those authorities have not acted to protect the health of persons served by the System and that this Order is necessary to protect human health.

FINDING OF VIOLATION

Respondents are required to consult with EPA as soon as practical, but no later than 24 hours after the System learns of a situation with significant potential to have serious adverse effects on human health as a result of short-term exposure. 40 C.F.R. § 141.202(b)(2). The Respondents did not notify EPA within 24 hours following disruptions to the System's operation caused by a loss of pressure to the System's distribution system and, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

1. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order.

BOIL ORDER AND PUBLIC NOTICE

2. Within 24 hours of receipt of this Order, Respondents shall notify the public of the loss of pressure described above and distribute a boil water advisory. Directions on the required content for the public notice and advisory are included in Attachment A to this Order. Respondents shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondents shall continue the public notice as set forth in Attachment A until EPA provides written notification that public notice may be discontinued. Respondents must carry out the public notice and other notice requirements that EPA directs. Respondents must provide the same public notice within 24 hours following any future loss of water pressure or similar emergency in the System.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

3. Within 24 hours of receipt of this Order, Respondents shall clean and flush the Ridgeway Community Well water system. This will include disinfecting the System's distribution system and any storage tanks that are part of the System.

4. Once the System has been flushed and disinfected, Respondents shall collect consecutive daily (one sample per day) special purpose total coliform samples from the System's distribution system to determine compliance with the total coliform maximum contaminant level (MCL). 40 C.F.R. § 141.63.

5. After Respondents collect a sufficient number of consecutive daily total coliform samples that are negative and receive written notification from EPA that daily total coliform sampling may be discontinued, Respondents shall collect weekly special purpose bacteriological samples of one sample per week of the System's water to determine compliance with the total coliform MCL. 40 C.F.R. § 141.63.

6. After Respondents collect a sufficient number of weekly total coliform samples that are negative and receive written notification from EPA that weekly total coliform sampling may be discontinued, Respondents shall thereafter resume monthly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.

7. If any of the designated routine sample results is total coliform-positive, Respondents shall collect four repeat samples within 24 hours of being notified of the total coliform-positive sample. 40 C.F.R. § 141.21(b). Furthermore, Respondents shall collect 5 routine total coliform samples in the month following any total coliform-positive sample result. 40 C.F.R. § 141.21(b)(5).

8. Respondents shall continue increased monitoring of total coliform bacteria until receiving written notice from EPA that increased sampling may be discontinued. Respondents shall collect all total coliform samples at sites that are representative of water throughout the System's distribution system. Additionally, Respondents shall report all sampling results to EPA by fax immediately upon receiving the results.

9. For the total coliform sampling in paragraphs 5 and 6 above, Respondents shall designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

10. By providing oral or written notification, EPA may require Respondents to increase and/or decrease total coliform sampling at any time while this Order is in effect.

COMPLIANCE MEASURES

11. Within 30 days of receipt of this Order, Respondents shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure that there is no future loss of pressure in the System. The plan shall identify the cause of the pressure loss and describe efforts that Respondents will take to prevent a recurrence of pressure loss in the distribution system. If proposed System modifications are part of the plan, the plan shall include estimated costs of modifications and a schedule for

completion of the project and compliance with the Order and the Act. The proposed schedule shall include specific milestone dates and a final compliance date to be within 60 days from the date of EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondents' plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans), which may also be required before modifications can be made to the System.

12. The plan and schedule required by paragraph 11, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. EPA may incorporate the above-required plans into a new Administrative Order. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

13. Respondents shall submit monthly reports to EPA on the status of all corrective measures identified in the compliance plan until notified in writing by EPA to discontinue such reports. Reports shall be postmarked by the 15th of each month.

14. Within 10 days of completion of the approved plans and schedule required in paragraph 11, Respondents shall notify EPA in writing of project completion.

REPORTING

15. Respondents shall give daily updates to EPA, via phone, fax, or email, on progress of returning the System to compliance. Daily updates must be submitted to EPA until EPA notifies Respondents that daily reports may be discontinued.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS ON PUBLIC HEALTH

16. Notify EPA as soon as practicable, but within 24 hours after Respondents learn of any violation or situation with the potential to have serious adverse effects on human health as a result of short term exposure to contaminants. 40 C.F.R. § 141.202(b)(2). Respondents must comply with this regulation in any future water outage event or any similar emergency situation.

ALTERNATE WATER SUPPLY FOR FUTURE LOSS OF PRESSURE INCIDENTS

17. Within 24 hours of any future water outage or any similar emergency situation, Respondents shall provide an alternate potable water supply to the System's users. Respondents shall use a public notice as described in paragraph 2 above to notify the System's users that the alternate water supply is available. The alternate water supply must be either 1) provided by a licensed water distributor, 2) purchased bottled water, or

3) provided by another public water system that meets the National Primary Drinking Water Regulations (40 C.F.R. part 141). Respondents shall make the alternate water supply available at no cost to all users of the System as needed for drinking and cooking until Respondents receive written notification from EPA that alternate water is no longer necessary. Respondents shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the System.

18. All contact with EPA shall be to:

Kathelene Brainich, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6481 or (303) 312-6481
Fax (303) 312-7518
e-mail: brainich.kathelene@epa.gov

19. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter.

20. Issued and effective this _____day of _____, 2008.

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

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

Instructions for Emergency Notice – Community (Tier 1)

Template on Reverse

Loss of pressure is a Tier 1 violation so public notice to persons served must be conducted as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

DRINKING WATER WARNING

RIDGEWAY COMMUNITY WELL water system lost pressure in the distribution system

BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The Ridgeway Community Well water system lost pressure in the distribution system on August 21st and 24th, 2008. This may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for three minutes**, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.

- A loss of pressure in the distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that contamination and disease causing organisms could enter the distribution system.

- Bacteria and other organisms can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.

- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

[Give a description of what is being done, where consumers may get an alternate source of water provided by Dale Ruby, etc.]

For more information, please contact [name of contact] at [phone number] or [mailing address]. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by _____ Date distributed: _____.

Attachment A - PRESSURE LOSS_BOIL ORDER

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Ridgeway Community Well system. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations ("NPDWRs") violations. Respondents shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R.§ 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

The drinking water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., **SHALL BE BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE**, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08O

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED (and Sheriff delivery)

Jesse Dale Ruby, Registered Agent
J M Land & Developing Co.
2901 4 J Road
Gillette, WY 82718

AUG 2 7 2008

Jesse Dale Ruby, owner and operator
Ridgeway Community Well
2901 Four J Road
Gillette, WY 82718

RE: Emergency Administrative Order
under Section 1431 SDWA
Docket No. **SDWA-08-2008-0096**
PWS ID #5601602

Dear Mr. Ruby:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i. This Order is based upon loss of pressure in the distribution system connected to the Ridgeway Community Well water system (the "System") on August 21st and 24th, 2008. The System's water may pose an imminent and substantial endangerment to the health of persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions it finds necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part, that you issue a Boil Water Advisory and public notice until notified by EPA to discontinue such notice, increase sampling for total coliform bacteria, and submit a plan to prevent future loss of pressure incidents. The penalties for failing to comply are set forth in the Order. EPA has been informed that the water pressure has been restored and the storage tank and distribution system chlorinated. Please confirm whether these actions have been completed. Upon receipt of a sufficient number of consecutive daily total coliform bacteriological sample results that are analyzed as safe, EPA may allow the Boil Water Advisory to be discontinued.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917 X6481 or 303-312-6481 or Lisa Kahn at (800) 227-8917 X6896 or 303-312-6896. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,

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

Enclosure

cc: WY DOH & DEQ (via email)
Campbell County Commissioners (FYI only)
Duaine Faucett, The Water Guy (via fax)