



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

March 31, 2023

Ref: 8WD-SDA

SENT VIA EMAIL

Mr. Lenn Island, Owner
Beulah Land Water
1104 West 10th Street
Sioux Falls, South Dakota 57104
islandlenn@gmail.com

**Re: Notice of Noncompliance
Ground Water Rule
Failure to Complete Corrective Action
PWS ID# WY5601692 C**

Dear Mr. Island:

The purpose of this letter is to inform you that Beulah Land Water has failed to complete corrective actions to address significant deficiencies identified by the Environmental Protection Agency during a sanitary survey conducted at the Beulah Land Water System. Public water systems are required to correct significant deficiencies identified by EPA and to submit information regarding completion of the corrective actions to EPA, according to 40 C.F.R. §§ 141.403 and 141.405 of the National Primary Drinking Water Regulations (NPDWR). Significant deficiencies were identified by EPA during a sanitary survey on August 9, 2022, as shown in the attached copy of the sanitary survey cover letter. The corrective actions for significant deficiencies were required to be completed according to a schedule approved by EPA. Uncorrected significant deficiencies and the EPA-approved correction schedules are shown in the following table. This is a violation of the NPDWR.

Overdue Ground Water Rule Significant Deficiencies			
Required Completion Date	Description of Significant Deficiencies	Date of Sanitary Survey	Significant Deficiency Number
3/26/2023	Gravity Tank ID: ST01 - Storage Tank (40K) - must be evaluated by a professional engineer familiar with the construction of water-storage tanks and repaired, if necessary, to ensure the structural integrity and reliability of the tank.	8/9/2022	SD#1
3/26/2023	Gravity Tank ID: ST01 - Storage Tank (40K) - seams on the roof and sides must be evaluated by a professional engineer familiar with the construction of water-storage tanks and repaired, if necessary, to ensure the structural integrity and reliability of the tank.	8/9/2022	SD#2
3/26/2023	Gravity Tank ID: ST01 - Storage Tank (40K) - The access hatch must have a rubber gasket to seal the hatch lid to the frame tightly.	8/9/2022	SD#4

Please take the following actions:

- (1) Please contact EPA immediately and provide an update on the status of the uncorrected significant deficiencies identified during the sanitary survey and noted in the above table.
- (2) Notify your customers of this violation as soon as practical, but no later than 30 days after you learn of the violation. The public notice (PN) must be delivered either by hand or direct delivery, or by mail, as a separate notice or included in the bill. This PN must be repeated every three months for as long as the violation or situation persists. A Ground Water Rule (GWR) Failure to Take Corrective Action Within Required Time Frame Public Notice template is attached. You may also use this template in Microsoft Word, which is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. You must also include this violation in your Consumer Confidence Report (CCR).
- (3) Provide our office with a copy of your public notice and certification within 10 days of completion.

Please send the significant deficiency status update, public notice and certification to our office using one of the methods listed below. Include your PWS name and PWS ID# on all correspondence.

Email: R8DWU@epa.gov and langenfeld.matthew@epa.gov

Fax: 1-(877) 876-9101

Mail: Refer to the address at the top of this letter. Please use Mail Code 8WD-SDA on the envelope.

You should be aware that repeated violations of the NPDWR may result in formal enforcement action taken against your water system. If formal enforcement action were to be necessary, the Safe Drinking Water Act provides for civil penalties of up to \$67,544 per day of violation. We prefer to resolve problems before such formal enforcement is necessary, and we ask for your cooperation to rectify them quickly and effectively.

If you have questions, please contact the Ground Water Rule Manager, Matthew Langenfeld at (303) 312-6284, or by email at R8DWU@epa.gov and langenfeld.matthew@epa.gov.

Sincerely,

ROBERT PARKER Digitally signed by ROBERT
PARKER
Date: 2023.03.31 12:42:14 -06'00'

Rob Parker Supervisor
Drinking Water Section A
Water Division

Enclosure:

Sanitary Survey Cover Letter

Tier 2 PN Template

Correction Notice Form

cc: Mr. John Burbridge, Chief Counsel
Wyoming Public Service Commission
John.burbridge@wyo.gov

Instructions for GWR Failure to Take Corrective Action Within Required Time

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Send a copy to EPA Region 8 Drinking Water Unit (8WP-SDA), Attn: GWR Manager, 1595 Wynkoop Street, Denver, CO 80202 or email a copy of the PN and the certification to R8DWU@epa.gov.

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

**GWR Failure to Take Corrective Action Within Required Time Frame
Public Notice**

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**_____ (PWS Name) Failed to Correct a Significant Deficiency
Within Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

A routine sanitary survey conducted on (provide survey date) _____ by the Environmental Protection Agency Region 8 (EPA) found (describe significant deficiency in our water system) _____

As required by EPA's Ground Water Rule, we were required to take action to correct this deficiency. However, we failed to take this action by the deadline established by EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this 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 within 24 hours.

Inadequately treated 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 symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.**

What is being done?

(Describe corrective action) _____

We anticipate resolving the problem within (estimated time frame) _____.
For more information, please contact (name of system contact) _____ at (phone number) _____ or (mailing address) _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. 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 (system name) _____.

Public Water System ID#: _____.

Date distributed: _____.

CERTIFICATION OF PUBLIC NOTIFICATION

I _____ certify that the attached public notice was issued from
(PWS Operator/Responsible Party)
_____ to _____. The notice attached was issued by
(Date) (Date)
_____ for the GWR Violation that occurred on _____.
(Method of delivery – by hand, mail, email, etc.) (Date)

Signature _____ Date _____

Public Water System Name: _____ PWS ID Number: _____

EPA Region 8 – Significant Deficiency Correction Notice

Public Water System Name _____
Public Water System ID# _____
Public Water System Source Type: (circle one) Groundwater Surface Water Mixed

Instructions:

Please use this form to report the correction of sanitary survey significant deficiencies identified during your last sanitary survey. List a description of the individual significant deficiencies and number (e.g., SD#1) and the date of correction below. Pictures of corrections and a brief description of each correction is required. Label all pictures with a unique number (e.g, photograph #1) and correlate them to a specific significant deficiency. Include the name of the facility (e.g., well name and number, tank name and number, treatment plant, etc.) and the correction date on any documentation you provide.

If a WY DEQ permit was required to make any of the significant deficiency corrections, please include the permit number on the specific correction line below.

Facility	Significant Deficiency	Date Corrected	Photograph Number	WYDEQ Permit #

I certify that the information submitted with this report is true and accurate.

Print Name Signature / /

Phone Number Email Address Date

☐ Supporting documents attached (i.e., photos, receipts, drawings, WDEQ permit or application)

For groundwater and surface water system submit to Matthew Langenfeld, Ground Water Rule Manager at:
Email: Langenfeld.matthew@epa.gov and Email: R8DWU@epa.gov Fax: 1-877-876-9101



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917

www.epa.gov/region8-waterops

September 6, 2022

Ref: 8WD-SDA

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Lenn Island, Owner
Beulah Land Water
1104 West 10th Street
Sioux Falls, South Dakota 57104
islandlenn@gmail.com

Re: **2022 Sanitary Survey Report**
PWS ID#: **WY5601692 C**

Dear Mr. Island,

Enclosed is a report prepared for the U. S. Environmental Protection Agency (EPA) following a sanitary survey of the Beulah Land Water system on August 9, 2022. Please note each significant deficiency listed at the beginning of the report. To avoid receiving a violation, you must correct **each identified significant deficiency and submit documentation of the corrective action to the EPA within 120-days** from receipt of this letter and sanitary survey report.

If you will be unable to meet this standard corrective action timeframe, you must contact the EPA with a written justification and proposed completion schedule as soon as possible. Each significant deficiency for this water system is listed below:

SIGNIFICANT DEFICIENCIES

Significant deficiencies for drinking water systems are defined as defects in the design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the EPA determines to be causing, or to have the potential for causing, the introduction of contamination into the water delivered to consumers.

1) Gravity Tank ID: ST01 - Storage Tank (40K)

Storage tank foundation does not appear to be structurally sound*. (see photo #15)

The storage tank foundation does not appear to be structurally sound. It must be evaluated by a professional engineer familiar with the construction of water-storage tanks. Failure to maintain the structural and sanitary integrity of the tank foundation could lead directly to contamination within the tank, illness and/or the loss of property. The professional evaluation of the storage tank foundation must be made as soon as possible and the foundation repaired if necessary to ensure the structural integrity and reliability of the tank.

The storage tank does not have a foundation.

2) Gravity Tank ID: ST01 - Storage Tank (40K)

Storage tank not structurally sound or properly maintained*. (see photo #17)

The storage tank does not appear to be structurally sound. Specifically, the seams on the roof and sides of the tank must be evaluated by a professional engineer familiar with the construction of water-storage tanks to determine the integrity of the tank's seams. Failure to maintain the structural and sanitary integrity of the tank could lead directly to contamination within the tank, illness and/or the loss of property. The professional evaluation of the storage tank must be made as soon as possible and it must be repaired if necessary to ensure the structural integrity and reliability of the tank.

Several patched leaks are evident around the base of the tank, and the metal is warped on the base and the roof. Additionally, the HOA secretary reported that one time, a pin-sized leak was present and upon poking it, the hole immediately grew to finger size before it was patched.

3) Gravity Tank ID: ST01 - Storage Tank (40K)

Overflow discharge point on finished water storage tank improvement needed*. (see photo #21)

Overflow must discharge over a drainage inlet structure, splash plate, or engineered rip-rap.

4) Gravity Tank ID: ST01 - Storage Tank (40K)

Hatch on Finished Water Storage Tank does not have a gasket that creates a watertight seal. (see photo #36)

The tank hatch must have a rubber gasket to seal the hatch lid to the frame tightly to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system.

UNCORRECTED SIGNIFICANT DEFICIENCIES FROM PRIOR SANITARY SURVEY

Significant deficiencies below have been uncorrected since the 2016 sanitary survey. Significant deficiencies (2) and (3) below are currently in violation of an EPA Administrative Order issued January 11, 2022.

1) Gravity Tank ID: ST01 - Storage Tank (40K)

Storage tank not cleaned and inspected within the last 10 years.

The tank must be cleaned and inspected. Please see the enclosed Finished Water Storage Tank Inspection/Cleaning Checklist for a list of items that must be evaluated during the inspection. Tanks need to be periodically cleaned and inspected to prevent the growth of potentially harmful pathogens in the accumulated sediments and to address construction issues before they require major repairs. Inspections and cleaning may be done by a third-party professional or appropriately trained in-house staff. Please be aware that some tanks may be considered as confined spaces or hazardous environments; personnel working in or near the tanks should have all OSHA-required training, and proper safety equipment and procedures should be used at all times. After inspection and cleaning the tank must be disinfected according to AWWA standards (C652-92: Disinfection of Water Storage Facilities).

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Finished Water Storage Tank Inspection/Cleaning Checklist.
- A copy of inspection results and labeled photographs.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the inspection report and may require additional corrective actions.

2) Gravity Tank ID: ST01 - Storage Tank (40K)

Overflow screening on finished water storage tank improvement needed*. (see photo #21)

Overflows must be fitted with non-corrodible #24-mesh screen, or a properly sealed flapper or duckbill valve to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The screen should preferably be installed within the pipe at a location least susceptible to vandalism. When a flapper valve is used, a screen must be placed inside the valve (the EPA Region 8 recommends non-corrodible #24-mesh screen be used). In cold climates, use of a flapper or duckbill valve should be considered to minimize air movement and hence ice formation in the tank. In cold climates, provisions should be considered to prevent the flapper or duckbill from freezing shut. Correction of this deficiency will require a permit to construct from the WYDEQ and will require an evaluation by an engineering firm to ensure that no damage will occur to the existing water tank as a result of the modifications to address the significant deficiencies.

3) Gravity Tank ID: ST01 - Storage Tank (40K)

Overflow on finished water storage tank discharges at improper height*. (see photo #21)

Overflow must be piped to an elevation between 12 and 24 inches above the ground surface and discharge over a drainage inlet structure, splash plate, or engineered rip-rap.

Within 120-days from receipt of this letter, you must do the following:

- Prior to making physical modifications to your water system, a permit issued by the Wyoming Department of Environmental Quality (WY DEQ) may be required. Contact the respective WY DEQ District Engineer for your area to determine if a permit is needed before making corrections for significant deficiencies followed by an asterisk (*). The email and phone number for the DEQ District Engineer may be found on Page 2 of your Sanitary Survey Report.
- Correct each significant deficiency.
- Provide a completed Significant Deficiency Correction Notice listing each individual deficiency and the date of correction. If a WY DEQ permit was required to make any of the significant deficiency corrections, please include the permit number on your completed Correction Notice form.
- Provide labeled photos of each correction.
- **If you will be unable to meet the 120-day corrective action timeframe, you must contact the EPA as soon as possible with a written justification and proposed completion schedule to receive a time extension. Your time extension request must include:**

- Your public water system name and number;
- Description of why you will be unable to meet the 120-day timeframe;
- Description of the corrective action(s) to be taken to address each significant deficiency;
- A schedule including specific proposed dates for completing each corrective action, which may include short-term interim steps and long-term completion dates.

The Significant Deficiency Correction Notice is enclosed and can also be found at the following website: <http://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms> and by selecting the Sanitary Survey link. To avoid receiving a violation, please provide this documentation to:

Mr. Matthew Langenfeld, Groundwater Rule Manager
EPA Region 8, 8WD-SDA
1595 Wynkoop Street
Denver, CO 80202

Email: langenfeld.matthew@epa.gov
Phone: 303-312-6284

If you have any questions regarding a significant deficiency or your corrective action plan, contact Matthew Langenfeld. If you propose a different corrective action timeframe, Matthew will provide you with a confirmation email or letter.

The sanitary surveyor also identified at least one recommendation to improve the operation of the water system and to protect public health. While not required, the EPA recommends that all such items be corrected. Please see the enclosed Sanitary Survey report for any recommendations.

Please contact us if your system has a change in the treatment process; you add or remove a water source; there is a change in the number of people served or the number of water connections; or different contact information becomes available for your water system. This allows us to keep you up to date on monitoring requirements and keeps our inventory current. Failure to notify EPA about water source or treatment changes may result in a violation. To access the EPA's change form, use the following link and send us the completed form or give us a call:

<http://www.epa.gov/region8-waterops/wyoming-public-water-system-change-form>

Thank you for your cooperation during the sanitary survey. If you have any questions regarding the sanitary survey, please call Lucien Gassie at 303-312-6620. If you have questions on specific regulations, please refer to the brochure enclosed with this letter, which contains the names and phone numbers for the EPA drinking water staff.

Sincerely,

ROBERT PARKER

Digitally signed by ROBERT
PARKER
Date: 2022.09.02 14:43:25 -06'00'

Rob Parker, P.E.
Supervisor, Drinking Water Section A
Water Division

Enclosures