



**REGION 8**  
**1595 Wynkoop Street**  
**Denver, CO 80202-1129**

February 3, 2025

Ref: 8WD-SDR

**SENT VIA EMAIL**  
**DIGITAL DELIVERY RECEIPT REQUESTED**

Mike Neuffer  
South Big Horn County Joint Powers Board  
P.O. Box 346  
Worland, Wyoming 82401  
mike\_neuffer\_747@hotmail.com

Re: Notice of Noncompliance  
Lead and Copper Rule  
Failure to Perform Activities After Incurring a Lead Action Level Exceedance  
PWS ID# WY5601454 C

Dear Mike Neuffer:

The purpose of this letter is to inform you that South Big Horn County Joint Powers Board (JPB) Public Water System (System) has failed to perform the activities detailed below. These activities were required after the System exceeded the Lead Action Level in the June 1 to September 30, 2023, monitoring period. These activities were specified in the Action Level Exceedance (ALE) letter dated October 24, 2023, that the U.S. Environmental Protection Agency (EPA) emailed to the System. Please address each of the items below.

1. In accordance with 40 C.F.R. § 141.87(b)(1) of the National Primary Drinking Water Regulations (NPDWR), all water systems that exceed the Lead or Copper Action Level are required to collect water quality parameter (WQP) samples **at the tap** no later than 6 months after the beginning of the monitoring period during which the Lead or Copper Action Level was exceeded, or by November 30, 2023 for the June 1 to September 30, 2023 monitoring period. The original ALE letter dated October 24, 2023, indicated that the deadline was December 31, 2023; however, the regulatory deadline should have been November 30, 2023. Our records indicate that the System's population is 900. A water system serving a population between 501 and 3,300 must collect **two sets** of the following tap water quality parameter samples from **two tap locations** in

the distribution system for a total of **four samples**. Since the 2023 ALE, EPA received one set of WQPs from 1311 Cloud Drive, and two sets from 466 HWY 31, collected in December 2023, which was determined to not be representative of the distribution system as it is downstream of the Entry Point to the Distribution System.

This is a violation of the NPDWR. If not already done, please take the following actions as soon as possible:

- a. Collect **two samples** from **one tap** location in the distribution system, and another sample from 1311 Cloud Drive. If another sample cannot be obtained from 1311 Cloud Drive, please collect two samples from a new location, analyze for the following water quality parameters, and submit the results to EPA:
  - i. pH (measured on site)
  - ii. water temperature (measured on site)
  - iii. calcium
  - iv. alkalinity
  - v. conductivity
  - vi. orthophosphate as  $\text{PO}_4$  (only if phosphate-based corrosion inhibitor is used)
  - vii. silica (only if silicate-based corrosion inhibitor is used)

Each location must be sampled twice, and these samples must be collected on different days. We recommend collecting samples at the same locations as the lead and copper sample site with the highest lead concentration. WQP samples should be collected after flushing water from the sample location for at least 5 minutes. Both pH and temperature should be measured at the time of collection with results written on your lab chain of custody.

- b. In accordance with 40 C.F.R. § 141.81(e)(1) of the National Primary Drinking Water Regulations (NPDWR), all water systems that exceed the Lead or Copper Action Level are required to recommend Optimal Corrosion Control Treatment (OCCT). EPA received an OCCT recommendation from the System on June 27, 2024, which is prior to the deadline stated in the ALE letter. However, this recommendation was made prior to the WQP data analysis. Please review all WQP results and resubmit your OCCT plan within 10 days of receiving the results from the lab.
- c. This is a monitoring violation and requires a Tier 3 public notification (PN) pursuant to 40 C.F.R. Part 141 Subpart Q Appendix A(I)(C)(1). In accordance with 40 C.F.R. § 141.204, a PN is required within **one year** after the System learns of the violation, or the date this letter is received by the System, whichever is earlier. You may use the Consumer Confidence Report (CCR) as your Tier 3 PN delivery method if the CCR contains all elements of the Tier 3 PN template and will be delivered prior to the deadline. Otherwise, you must deliver a separate PN along with your water bill or other mailing or deliver directly by hand. Enclosed is a copy of the Tier 3 PN template that meets all federal requirements.

Provide EPA with a copy of your PN and certification within 10 days of completion. A copy of the PN certification form is located at the bottom of the enclosed Tier 3 PN instructions.

2. In accordance with 40 C.F.R. § 141.88(b) of the National Primary Drinking Water Regulations (NPDWR), all water systems that exceed the Lead or Copper Action Level are required to collect

lead and copper source water samples at the Entry Point to the Distribution System (EPTDS) no later than 6 months after the end of the monitoring period during which the Lead or Copper Action Level was exceeded, or by March 31, 2024 for the June 1 to September 30, 2023, monitoring period. The original ALE letter dated October 24, 2023, indicated that the deadline was June 30, 2024; however, the regulatory deadline should have been March 31, 2024. EPA received lead and copper results from 466 HWY 31, which was determined not to be an acceptable Entry Point to the Distribution System.

This is a violation of the NPDWR. If not already done, please take the following actions as soon as possible:

- a. Collect one lead and one copper source water sample at SP04 and submit the results to EPA.
- b. In accordance with 40 C.F.R. § 141.83(a)(1) of the National Primary Drinking Water Regulations (NPDWR), all water systems that exceed the Lead or Copper Action Level are required to submit a source water treatment (SOWT) recommendation to EPA. EPA received an SOWT recommendation on June 27, 2024, which was before the deadline stated in the ALE letter EPA mailed to the system. However, this recommendation was made prior to the EPTDS data being reviewed. Please review the lead and copper EPTDS results and resubmit your SOWT Recommendation within 10 days of receiving the results from the lab to avoid a violation.
- c. This is a monitoring violation and requires a Tier 3 public notification (PN) pursuant to 40 C.F.R. Part 141 Subpart Q Appendix A(I)(C)(1). In accordance with 40 C.F.R. § 141.204, a PN is required within **one year** after the System learns of the violation, or the date this letter is received by the System, whichever is earlier. You may use the Consumer Confidence Report (CCR) as your Tier 3 PN delivery method if the CCR contains all elements of the Tier 3 PN template and will be delivered prior to the deadline. Otherwise, you must deliver a separate PN along with your water bill or other mailing or deliver directly by hand. Enclosed is a copy of the Tier 3 PN template that meets all federal requirements. Provide EPA with a copy of your PN and certification within 10 days of completion. A copy of the PN certification form is located at the bottom of the enclosed Tier 3 PN instructions.

You should be aware that any violation of the NPDWR may result in the Agency bringing a formal enforcement action against your water system. If formal enforcement action were to be necessary, the Safe Drinking Water Act provides for civil judicial penalties of up to \$71,545 per day of violation. We prefer to resolve problems before such formal enforcement is necessary, and we ask for your cooperation to correct them quickly and effectively.

Please send all forms and sample results to our office using one of the methods listed below. Include your PWS name and PWS ID# on all correspondence.

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov)

Fax: 1-877-876-9101

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

To discuss these requirements in more detail, please call Chelsea Ransom at (303) 312-6876, or by email at ransom.chelsea@epa.gov.

Sincerely,

**SETH  
TOURNEY**

Digitally signed by SETH  
TOURNEY  
Date: 2025.02.03 09:31:36  
-07'00'

Seth Tourney, P.E.  
Supervisor, Rule Implementation Section  
Drinking Water Program

Enclosures:

Optimal Corrosion Control Treatment Recommendation Form  
Source Water Treatment Recommendation Form  
Instructions for Failure to Monitor Water Quality Parameters Tier 3 Public Notice  
Instructions for Failure to Monitor Source Water Lead and Copper Tier 3 Public Notice

cc:

John Joyce, Manager  
South Big Horn County JPB  
jnjoyce56@gmail.com

Charlene Anderson, Administrative  
South Big Horn County JPB  
sbhcwaterdistrict@gmail.com

**Optimal Corrosion Control Treatment Recommendation**

Date: \_\_\_\_\_

PWS ID No. \_\_\_\_\_

PWS Name: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Population served: \_\_\_\_\_

Our initial recommendation is to utilize the optimal corrosion control treatment that is checked below:

Alkalinity and pH adjustment \_\_\_\_\_

Calcium hardness adjustment \_\_\_\_\_

Phosphate corrosion inhibitor \_\_\_\_\_

Silicate corrosion inhibitor \_\_\_\_\_

Treatment recommendation rationale:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Official Custodian \_\_\_\_\_

Date: \_\_\_\_\_

## Source Water Treatment Recommendation

Date: \_\_\_\_\_

PWS ID No. \_\_\_\_\_

PWS Name: \_\_\_\_\_

Contact Phone (\_\_\_\_) \_\_\_\_\_

Contact Name: \_\_\_\_\_

Population served: \_\_\_\_\_

List all entry points to the distribution system after treatment and the sample results for lead and copper taken at each entry point. Attach the results.

| Entry Point Description | Date Collected | Lead Value | Copper Value |
|-------------------------|----------------|------------|--------------|
| _____                   | _____          | _____      | _____        |
| _____                   | _____          | _____      | _____        |
| _____                   | _____          | _____      | _____        |
| _____                   | _____          | _____      | _____        |
| _____                   | _____          | _____      | _____        |

According to all the System's source water (entry point) sample results, the source water contribution of lead and copper into the distribution system is below 0.01 mg/L for lead and below 0.8 mg/L for copper. Therefore, our source water treatment recommendation is no treatment.

Signature of Official Custodian \_\_\_\_\_

Date \_\_\_\_\_

## Instructions for Failure to Monitor Water Quality Parameters Tier 3 Public Notice

### ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

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

In addition, community water systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

### After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements.

Provide copies to EPA Region 8 using one of the following methods:

Email: R8DWU@epa.gov

Fax: 1-877-876-9101

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

### 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 \_\_\_\_\_

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for \_\_\_\_\_ (Public Water System Name)

Our water system violated the Lead and Copper Regulation after incurring an Action Level Exceedance. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards.

During \_\_\_\_\_, we did not monitor for \_\_\_\_\_  
(compliance period after Action Level Exceedance date) (water quality parameter(s))  
and therefore cannot be sure of the quality of your drinking water during that time.

### What should I do?

There is nothing you need to do at this time.

The table below lists the parameters(s) we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

| Water Quality Parameters | Number of samples taken | When/Where samples should have been taken | When samples were taken |
|--------------------------|-------------------------|-------------------------------------------|-------------------------|
|                          |                         |                                           |                         |
|                          |                         |                                           |                         |
|                          |                         |                                           |                         |
|                          |                         |                                           |                         |

### What happened? What is being done?

(describe corrective action.)

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_  
(name of contact) (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 (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 hands or mail.*

This notice is being sent to you by \_\_\_\_\_  
(system)

Public Water System ID#: \_\_\_\_\_ Date distributed: \_\_\_\_\_

# Instructions for Failure to Monitor Source Water Lead and Copper Tier 3 Public Notice

## ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

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

Non-community systems must use one of the following methods of delivery (141.204(c)):

- 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 (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

### After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements.

Provide copies to EPA Region 8 using one of the following methods:

Email: R8DWU@epa.gov

Fax: 1-877-876-9101

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

### 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 \_\_\_\_\_

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for \_\_\_\_\_ (Public Water System Name)

Our water system violated the Lead and Copper Regulation after incurring an Action Level Exceedance. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not our drinking water meets health standards. During \_\_\_\_\_, we did not monitor for source water lead and copper, and  
(compliance period after Action Level Exceedance)  
therefore cannot be sure of the quality of your drinking water during that time.

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

| Contaminant                     | Required sampling frequency               | Number of samples taken | When samples should have been taken | When samples were taken |
|---------------------------------|-------------------------------------------|-------------------------|-------------------------------------|-------------------------|
| Source Water<br>Lead and Copper | Once, after<br>Action Level<br>Exceedance |                         |                                     |                         |

#### What happened? What is being done? (describe corrective action.)

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_  
(name of contact) (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 (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 hands or mail.*

This notice is being sent to you by \_\_\_\_\_.  
(system)

Public Water System ID#: \_\_\_\_\_ Date distributed: \_\_\_\_\_