



REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129

May 20, 2024

Ref: 8WD-SDB

SENT VIA EMAIL

Alan Klitz, HOA Board Member
Hagens Estates
4 Emily Court
Gillette, Wyoming 82718
alan.klitz@yahoo.com

Re: Notice of Noncompliance
Chemical Phase II/V Rules
Failure to Monitor for Asbestos, IOCs, SOCs, and VOCs
PWS ID# WY5601739 C

Dear Alan Klitz:

The purpose of this letter is to inform you that Hagens Estates has failed to conduct the required monitoring for asbestos, inorganic chemicals (IOCs), volatile organic chemicals (VOCs), and synthetic organic chemicals (SOCs). A sample was required to be collected between January 1 and March 31, 2024, and submitted to the Environmental Protection Agency according to 40 C.F.R. §§ 141.23 and 141.24 of the National Primary Drinking Water Regulations (NPDWR). This is a violation of the NPDWR.

You will need to take the following actions, if you have not already done so:

- (1) Please collect a sample for asbestos, IOCs, VOCs, and SOCs at the facility/sample point storage tank sample tap, ST01/SP01, as soon as possible. The sample must be collected after treatment. Please see the attached Schematic Diagram of this system for your sampling point location. If any changes have been made to the system or sampling point, please indicate those changes on the diagram, sign the diagram, and send it back to the EPA.
- (2) Report sampling results to our office at R8DWU@epa.gov as soon as you receive them from the lab.

- (3) Complete public notice (PN) for failure to sample for asbestos, IOCs, VOCs, and SOC's within one year, or by March 31, 2025. You may use the 2024 Consumer Confidence Report (CCR) as your sole delivery method for public notice about the failure to monitor for asbestos, IOCs, VOCs, and SOC's if the CCR will be delivered prior to March 31, 2025. Otherwise, you must deliver a separate PN with your water bill or other mailing, or deliver it directly by hand. You may create your own PN using the EPA Microsoft Word templates available at: <https://www.epa.gov/dwreginfo/public-notification-templates-community-and-non-transient-non-community-water-systems>.

Enclosed is a copy of the PN form that you can tailor as appropriate.

Your failure to monitor violations must be documented in your 2024 Consumer Confidence Report (CCR), which is due to your customers and EPA by July 1, 2025.

- (4) If a separate PN is used, provide our office with a copy of your public notice and public notice certification within 10 days of completion.

Please send the public notice and public notice certification to our office using one of the methods listed below. Include your public water system name and identification number on all correspondence.

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-SDB 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 judicial penalties of up to \$69,733 per day of violation. We prefer to address problems before such formal enforcement is necessary, and we ask for your cooperation to resolve them quickly and effectively.

If you have any questions, please contact the Phase II/V Chemicals Rule Manager Kendra Morrison directly at 303-312-6145 or by email at Morrison.Kendra@epa.gov.

Sincerely,

**SETH
TOURNEY**

Seth Tourney, P.E.
Supervisor, Rule Implementation Section
Water Division

Digitally signed by SETH
TOURNEY
Date: 2024.05.20 21:37:48
-06'00'

Enclosures:

- (1) Schematic Diagram
- (2) Tier 3 PN Template
- (3) PN Certification Form

Submitted to: EPA Region 8, Water Division, Drinking Water Branch

PWS Name: **Hagens Estates**

PWS Identification Number: **WY5601739**

Violation: **Failure to Monitor for Asbestos, IOCs, SOCs, and VOCs between January 1 and March 31, 2024**

Copy of Public Notice Provided to EPA Region 8: _____
(Date)

Certification of Public Notification

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

on _____.
(Date)

The attached notice was provided to customers by _____.
(Method of delivery)

Signature _____ Date _____

Instructions for Monitoring Violations Annual – Template 3-1A

Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your state may have more stringent requirements. Check with your state to make sure you meet its requirements.

CWSs must use one of the following methods [40 CFR 141.204(c)(1)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill
- Another method approved in writing by the state

NCWSs must use one of the following methods [40 CFR 141.204(c)(2)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by the state

In addition, both CWSs and NCWSs 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 post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. 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 insertion in an annual notice or the Consumer Confidence Report (CCR) (CWSs only), as long as public notification timing and delivery requirements are met [40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level (MCL) or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required public notice 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 40 CFR 141 Subpart Q](#)) must be included as written and is presented in this notice in italics with an asterisk on either end. You will need to update the information presented in brackets with the appropriate information.

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 with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to your state within 10 days after the original or any repeat notice(s) [40 CFR 141.31(d)].

Monitoring Violations Annual Notice – Template 3-1A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for [Water System Name]

Our water system violated drinking water requirements over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are doing (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 our drinking water meets health standards. During [compliance period] we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(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 contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants], 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 (or will be) taken.¹

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
VOCs (example)	1 sample every three years	0	2009-2011	February 2012

What is being done?

[Describe corrective action.]

For more information, please contact [name of 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 (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.

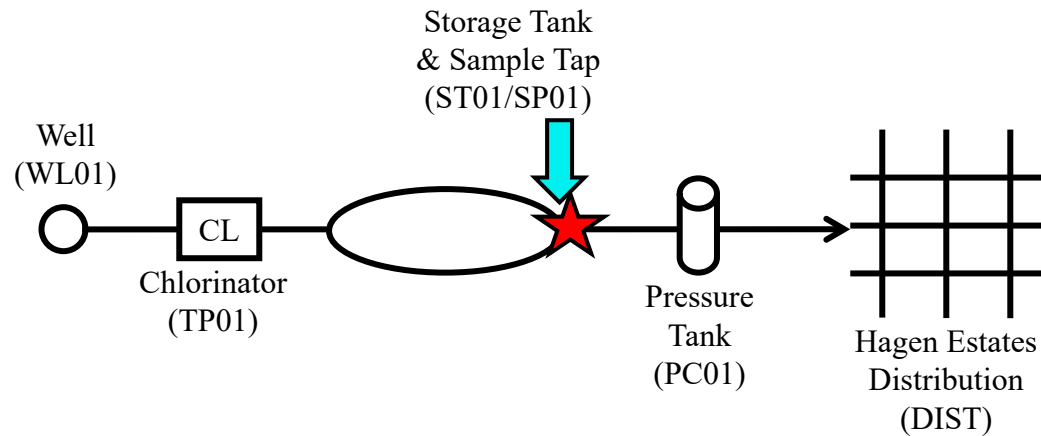
This notice is being sent to you by [water system name]. State Water System ID#: _____. Date distributed: _____.

¹ VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the regulated VOCs. VOCs are commonly used in industrial and manufacturing processes. Regulated VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethane, trans-dichloroethane, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachloroethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.

Hagen Estates

PWS ID #WY5601739

C/GW



★ Sample Points (SP) shown on the schematic are **ONLY** for Nitrates, RADs, IOC's, SOC's, and VOC's. If you sample for other contaminants, please refer to your individual Site Sampling or Monitoring Plans.

Agreed to by: _____

Date: _____

SCHEMATIC NOT TO SCALE
09/13/2023-B. Bertelmann (BIF)