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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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DENVER, CO 80202-2466

<http://www.epa.gov/region08>

Ref: 8P-R

October 5, 1999

Mr. Tim Wilson
Director, Cheyenne Board of Public Utilities
P.O. Box 1469
Cheyenne, WY 82003

Dear Mr. Wilson:

In January 1996, the Cheyenne Board of Public Utilities (BOPU) submitted a proposal pursuant to the EPA's XL for Communities (XLC) Federal Register notice. Following submission of the proposal representatives from EPA met several times with the then-Director of the BOPU, Jerry Mark and other interested parties to discuss how the proposal could be revised to meet the intent of XLC and meet the needs of BOPU. In March 1996, because your proposal showed the potential to demonstrate the strength of a community-designed approach to protecting the environment and to offer several tangible benefits to the Cheyenne community, EPA agreed to work with the City of Cheyenne and BOPU in developing an XLC Final Project Agreement (FPA). At that time EPA also identified several issues that would need to be resolved during FPA negotiations.

As part of FPA development and our joint effort to work through the issues identified in March 1996, EPA agreed in October, 1996 to a 12-year schedule of compliance with water quality standards to be adopted for Crow Creek by the Wyoming Department of Environmental Quality. Agreement with a 12-year schedule was conditioned on several factors: that the XLC project be developed with strong stakeholder involvement, that a schedule of milestones be developed that would demonstrate superior environmental results over what would have been achieved had ammonia removal not been delayed, and that there be demonstrated support for the Final Project Agreement from the community (please see enclosed letter from EPA dated 10/24/96).

Following EPA's October 1996 discussion with BOPU, BOPU conducted an in-depth comparative analysis of the benefits and liabilities of proceeding with the XLC project and the benefits and liabilities of proceeding with ammonia removal installation at the wastewater plants at the same time BOPU increased the plants' capacity. BOPU ultimately decided to delay a decision regarding its participation in the XLC program until the final decision was made on the reclassification of Crow Creek (please see enclosed letter from BOPU dated 5/1/97).



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Since BOPU's decision in 1997 to delay participation in XLC, the project has been inactive. Karen Hamilton in the Region VIII Office talked to you earlier in the summer of 1999, and my understanding is that you indicated to Karen that BOPU is no longer interested in pursuing this XLC project.

One of our challenges currently in XLC program is to focus on those projects that demonstrate the most potential for reaching the milestone of a signed Final Project Agreement and subsequent implementation of that agreement. To make the best use of public resources and because you have informed us that you are no longer interested in pursuing the development of a Final Project Agreement, this letter effectively and respectfully withdraws the BOPU Crow Creek project from further Final Project Agreement negotiations. I am sorry that we could not proceed with plans for protection and restoration of Crow Creek through this XLC project. We did appreciate the opportunity to work with you in this effort and wish you the best as you continue to serve the Cheyenne community.

If you have any questions feel free to call me at 303-312-6387. Thank you for your interest in XL for Communities.

Sincerely,

John O. Hidinger
Director of Reinvention Programs

cc: Dennis Hemmer, Wyoming Department of Environmental Quality

Enclosures