



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

3/31/2022

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Received by
EPA Region VIII
Hearing Clerk

DOCKET NO.: SDWA-08-2022-0013

IN THE MATTER OF:)
)
RED LANE DOMESTIC WATER, INC.) FINAL ORDER
)
)
)
RESPONDENT)

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon filing this Consent Agreement and Final Order.

SO ORDERED THIS 31st DAY OF March, 2022.

KATHERIN HALL Digitally signed by KATHERIN HALL
Date: 2022.03.31 12:10:08 -06'00'
Katherin E. Hall
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)
) Docket No. SDWA-08-2022-0013
)
 Red Lane Domestic Water, Inc.,)
) **CONSENT AGREEMENT**
 Respondent.)
)
 Red Lane Domestic Water, Inc.)
 Public Water System)
 PWS ID #WY5600232)

The United States Environmental Protection Agency (EPA) and Red Lane Domestic Water, Inc. (Respondent), by their undersigned representatives, agree as follows:

JURISDICTIONAL ALLEGATIONS

1. The EPA has jurisdiction over this matter pursuant to section 1414(g)(3) of the Safe Drinking Water Act (Act), as amended, 42 U.S.C. § 300g-3(g)(3).
2. This proceeding is subject to the EPA’s Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. part 22, a copy of which has been provided to Respondent.

INTENTION TO SETTLE

3. This Consent Agreement (Agreement) is executed for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b).
4. For purposes of this proceeding, Respondent admits the jurisdictional allegations of this Agreement and neither admits nor denies the specific factual allegations below. Respondent and waives any rights to contest the allegations in this Agreement or to appeal any final order (Final Order) an EPA Regional Judicial Officer or Regional Administrator may issue ratifying this Agreement.

GENERAL ALLEGATIONS

5. Respondent is a Wyoming corporation, and therefore, a “person” within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
6. Respondent owns and/or operates the Red Lane Domestic Water, Inc. Public Water System (System), located in Hot Springs County, Wyoming, for the provision of piped water to the public for human consumption through pipes or other constructed conveyances.
7. The source of the System’s water is surface water purchased from the Town of Thermopolis (PWS ID #WY5600056). The purchased water is filtered and disinfected by the wholesaler.
8. The System serves an average of approximately 111 individuals per day through 56 service connections and is operational year-round.
9. Because the System has at least 15 service connections used by year-round residents and/or regularly serves at least 25 year-round residents, the System is a “public water system” and a “community water system” as those terms are defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
10. As an owner and/or operator of a public water system, Respondent is a “supplier of water” as defined in section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is, therefore, subject to 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs), each of which is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
11. On January 27, 2020, in accordance with section 1414(g) of the Act, 42 U.S.C. § 300g3(g), the EPA issued Administrative Order, Docket No. SDWA082020-0019 (Order) to

Respondent, citing violations of the NPDWRs.

12. By letters dated April 21, 2020, and April 6, 2021, the EPA notified Respondent it was in violation of the Order.

13. Because Wyoming has not sought primary authority for enforcing the public water supply supervision program, the EPA directly implements this program in Wyoming. Consequently, as provided by the definition of “state” in 40 C.F.R. § 141.2, the EPA is the “state” for purposes of the NPDWRs in Wyoming.

VIOLATIONS

Count I

Failure to Submit Consumer Confidence Report

14. Paragraph 23 of the Order required Respondent to submit a Consumer Confidence Report (CCR) certification for calendar year 2019 to the EPA, as required by 40 C.F.R. §§ 141.151-141.155.

15. Respondent failed to submit a CCR certification for calendar year 2019 to the EPA, in violation of the Order.

Count II

Failure to Monitor for Total Coliform Bacteria

16. Paragraph 24 of the Order required Respondent to perform monthly monitoring for total coliform, as required by 40 C.F.R. §§ 141.853-858.

17. Respondent failed to monitor the System’s water for total coliform bacteria during August 2020, in violation of the Order.

Count III
Failure to Monitor for TTHM and HAA5

18. Paragraph 18 of the Order required Respondent to perform yearly monitoring of the System for total trihalomethanes (TTHM) and haloacetic acids (HAA5), as required by 40 C.F.R. §§ 141.620, 141.622.

19. Respondent failed to monitor the System's water for total TTHM and HAA5 during 2020, in violation of the Order.

Count IV
Failure to Correct Significant Deficiency

20. Paragraph 19 of the Order required Respondent to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule, as required by 40 C.F.R. § 141.723(d).

21. Respondent failed to complete corrective action of a significant deficiency, cleaning and inspecting storage tank ST01, in accordance with an EPA-approved corrective action schedule, in violation of the Order.

Count V
Failure to Deliver Consumer Notices

22. Paragraph 22 of the Order required Respondent to deliver consumer notices of individual tap monitoring results for lead and copper, as required by 40 C.F.R. § 141.85(d).

23. Respondent failed to deliver consumer notices of individual tap monitoring results for lead and copper covering the 2018, 2019, and 2020 monitoring periods, in violation of the Order.

Count VI
Failure to Report Monitoring Violations to Customers

24. Paragraph 27 of the Order required Respondent to report any failure to comply with

monitoring requirements to customers, as required by 40 C.F.R. § 141.861(a)(4).

25. Respondent failed to report to customers that the total coliform bacteria monitoring requirements for the System's water had been violated during July 2018, in violation of the Order.

Count VII
Failure to Report Monitoring Violations to EPA

26. Paragraphs 27 and 28 of the Order required Respondent to report any failure to comply with monitoring requirements to the EPA within designated reporting periods, as required by 40 C.F.R. §§ 141.31(a), 141.861(a)(4).

27. Respondent failed to report to the EPA that the total coliform bacteria monitoring requirements for the System's water had been violated during August of 2020, and that the TTHM and HAA5 monitoring requirements for the System's water had been violated in 2020, in violation of the Order.

CIVIL PENALTY

28. The Act authorizes the EPA to assess an administrative civil penalty of up to \$43,678 for violation of an order issued under section 1414(g)(3), of the Act, 42 U.S.C. § 300g-3(g)(3). The original statutory amount of \$25,000 has been adjusted for inflation by 40 C.F.R. § 19.4. *See* 87 Fed. Reg. 1676, 1679 (January 12, 2022). Respondent agrees to pay, and agrees to the EPA's assessment of, an administrative civil penalty in the amount of **\$500** as described below:

- a. Payment shall be due no later than 30 calendar days after the date of the Final Order;
- b. Payment shall be made using any method provided on the following website:
<https://www.epa.gov/financial/makepayment>;
- c. The check or other means of payment shall indicate the name and docket number of this matter (see first page);

- d. Within 24 hours of payment, a copy of the check or other proof of payment shall be sent by email to each of the following:

Steven Latino
Enforcement and Compliance Assistance Division
U.S. EPA Region 8
Email: latino.steven@epa.gov

and

Regional Hearing Clerk
U.S. EPA Region 8
Email: R8_Hearing_Clerk@epa.gov

29. If the EPA does not receive payment referenced in the preceding paragraph by the specified due date, interest will accrue from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received (*e.g.*, on the first late day, 30 days of interest will have accrued). A handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges, second to accrued interest, and then to the outstanding principal amount.

30. Consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

GENERAL PROVISIONS

31. This Agreement, upon incorporation into the Final Order, is binding upon the EPA,

Respondent and Respondent's agents, successors, and assigns. Any change in Respondent's corporate status (if applicable) or ownership or operation of the System, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this Agreement. This Agreement contains all terms of the settlement agreed to by the parties.

32. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and its implementing regulations.

33. Any failure by Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.

34. Nothing in this Agreement shall be construed as a waiver by EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of any failure by Respondent to comply with this Agreement.

35. The undersigned representative of Respondent certifies he is fully authorized to enter into and bind Respondent to this Agreement.

36. The EPA and Respondent shall each bear their respective own costs and attorney's fees in connection with this matter.

37. This Agreement, upon incorporation into the Final Order and full satisfaction by Respondent, shall resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this Agreement.



**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Date: March 24, 2022

**COLLEEN
RATHBONE**

Digitally signed by COLLEEN
RATHBONE
Date: 2022.03.24 14:54:41 -06'00'

Colleen Rathbone, Chief
Water Enforcement Branch
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Complainant

RED LANE DOMESTIC WATER, INC.
Respondent

Date: 3-11-22


By: Ronald Foote, Owner

CERTIFICATE OF SERVICE

The undersigned certifies that the attached **CONSENT AGREEMENT** and the **FINAL ORDER** in the matter of **RED LANE DOMESTIC WATER, INC.; DOCKET NO.: SDWA-08-2022-0013** was filed with the Regional Hearing Clerk on March 31, 2022.

Further, the undersigned certifies that a true and correct copy of the documents were emailed to, Matt Castelli, Enforcement Attorney, and sent via certified receipt email on March 31, 2022, to:

Respondent

Ronald Foote
r26foote@gmail.com

EPA Financial Center

Jessica Chalifoux
U. S. Environmental Protection Agency
Cincinnati Finance Center
Chalifoux.Jessica@epa.gov

March 31, 2022

KATHERINE
TRIBBETT
Digitally signed by
KATHERINE TRIBBETT
Date: 2022.03.31
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Kate Tribbett
Acting Regional Hearing Clerk