

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

Apr 12, 2024

10:24 am

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:)
)
Squaw Creek Water District,)
)
Respondent.)
)
Squaw Creek Water District)
Public Water System)
PWS ID #WY5600737)

Docket No. SDWA-08-2024-0025

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Squaw Creek Water District is a public body created by or pursuant to Wyoming law that owns and operates the Squaw Creek Water District Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two wells and one spring. The water is treated with hypochlorite injected prior to being pumped to the storage tanks.
4. The System has approximately 67 service connections used by year-round residents and regularly serves an average of approximately 160 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The EPA sent the Respondent a sanitary survey report dated April 12, 2020, which detailed significant deficiencies. The EPA approved Respondent's corrective action schedule to complete corrective actions by May 14, 2023. The EPA's record reflects that the Respondent failed to complete all corrective actions by May 14, 2023, and failed to notify the EPA of corrective action completion by June 14, 2023, and therefore, violated these requirements.
8. At all times relevant to this Order, Respondent was required to monitor the System's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Respondent monitored the System's water for lead and copper on September 15, 2020, and the next sampling was required between June 1, 2023, and September 30, 2023. Respondent failed to monitor the System's all five water samples for lead and copper during that period and therefore, violated this requirement. One sample bottle broke in transit and was rejected by the laboratory and the System failed to submit a replacement sample.
9. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead to the persons served at each sampled site no later than 30 days after the System learns of the tap monitoring results, in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent is required to submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3). The EPA's record reflects that Respondent failed to deliver a consumer notice to the persons served at each sampled site and failed to submit a copy of the consumer notice and certification to the EPA for the monitoring period of June 1 to September 30, 2023, and therefore violated this

requirement.

10. Respondent is required to monitor the System's water for certain radionuclides once every six years. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during January 1, 2019, and December 31, 2019, and therefore, violated this requirement. (Note: Respondent sampled for radionuclides on January 1, 2023 and returned this violation back into compliance.)
11. Respondent is required to monitor the chlorine residual at the same time that monthly Revised Total Coliform Rule (40 C.F.R. part 141 Subpart Y) samples are collected; the measured residual value must be reported on the same sampling slip that is sent to the laboratory and, ultimately, to EPA. See 40 C.F.R. 141.132(c)(1). Respondent failed to monitor for the chlorine residual during February 2023 at the same time the monthly Revised Total Coliform Rule samples were collected and report the measured residual value on the same sampling slip sent to the laboratory, and therefore, violated this requirement. (Note: Respondent sampled for chlorine residual on March 13, 2023, and returned this violation back into compliance.)
12. Respondent is required to notify the public of certain violations of Part 141 and, within 10 days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R §§ 141.31(d) and 141.201-141.211. The violations identified in paragraph 7, above, is classified as a Tier 2 violation, requiring public notice within 30 days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 7 and failed to submit copies of the public notices and certifications to the EPA, and therefore violated this requirement.
13. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 8, 10, and 11 above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraph 10 failed to submit a copy of the public notice and certification to

the EPA and therefore, violated this requirement. The deadlines for violations cited in paragraphs 8 and 11, above, have not yet passed.

14. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8 and 10, above, to the EPA and therefore, violated this requirement.

ORDER

Respondent is ordered to perform the following actions upon receipt of this Order (unless a different deadline is specified below):

15. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
16. Within **30 calendar days** of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion to the EPA, including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Actions:

- Well ID: WL01- Well#1 – to prevent contamination, the well must be fitted with a functioning sanitary seal and a tightly bolted cap that does not allow contamination to enter the well.

- Well ID: WL02- Well#2 - to prevent contamination, the well must be fitted with a functioning sanitary seal and a tightly bolted cap that does not allow contamination to enter the well.
 - Gravity Tank ID: ST01 - Storage Tanks (4 at 10K EA) – Each tank hatch must have a rubber gasket to seal both the outer and inner hatch lids to its frame tightly to prevent contamination from entering the water system.
17. Between June 1, 2024, and September 30, 2024, Respondent shall monitor the System’s water for lead and copper, and thereafter as directed by the EPA, in accordance with the System’s Lead and Copper Rule Tap Sample Site Plan, as required by 40 C.F.R. § 141.86(a)-(d). Within the first 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90.
18. Within 30 calendar days after receipt of this Order, and thereafter, no later than 30 days after the System learns of the lead tap monitoring results, Respondent shall deliver a consumer notice of individual tap results from lead tap water monitoring to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Within 45 days after receipt of this Order, and thereafter, within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>.
19. Respondent shall monitor the System’s water for radionuclides in accordance with 40 C.F.R. § 141.26(a). Respondent is next required to sample for radionuclides during the January 1 and December 31, 2028. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
20. Respondent shall monitor the chlorine residual at the same time that monthly Revised Total Coliform Rule (40 C.F.R. part 141 Subpart Y) samples are collected and report the measured residual value on the same sampling slip that is sent to

the laboratory as required by 40 C.F.R. 141.132(c)(1).

21. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 7, above, persist, Respondent shall notify the public of these violations. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at:
<https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
22. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraphs 8 and 10, above, persist, Respondent shall notify the public of these violations. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at:
<https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
23. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondent must report the violation to the EPA within that different period.
24. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.

25. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

26. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
27. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
28. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).
29. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: April 12, 2024.

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division