

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

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**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0028
Rivermeadows Homeowners Association,)
Inc.)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
)
Rivermeadows Water District)
Public Water System)
PWS ID #WY5600786)

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. Rivermeadows Homeowners Association, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Rivermeadows Water District Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for or human consumption.
3. The System is supplied by a groundwater source accessed via three wells. The water is disinfected with sodium hypochlorite.
4. The System has approximately 50 service connections used by year-round residents and regularly serves an average of approximately 100 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. For purposes of 40 C.F.R. part 141 (Part 141), Subpart I, which includes 40 C.F.R. §§ 141.80-141.91, the System is a “small water system” as defined in 40 C.F.R. § 141.2.
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 Part 141, which 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

For copper, the EPA has established an action level of 1.3 milligrams per liter (mg/l). 40 C.F.R. § 141.80. As described below, exceeding the action level triggers certain requirements for public water systems.

7. Water systems that exceed the copper action level shall submit a source water treatment recommendation to the EPA no later than 180 days after the end of the monitoring period during which the exceedance occurred, in accordance with 40 C.F.R. §§ 141.83(a) and (b). The System exceeded the copper action level during the monitoring period that ended September 30, 2019, and Respondent was therefore required to provide the EPA with its source water treatment recommendation by March 30, 2020. Respondent failed to submit its recommendation by that date and therefore violated this requirement. (Note: Respondent provided the required source water treatment recommendation on April 3, 2020.)
8. Small and medium water systems that exceed the copper action level shall recommend to the EPA installation of one or more corrosion control treatments (CCT) no later than six months after the end of the monitoring period during which the exceedance occurred. 40 C.F.R. §§ 141.81(e), 141.82(a)-(c)(1). The System exceeded the copper action level during the monitoring period that ended September 30, 2019, and Respondent was therefore required to provide the EPA with its CCT recommendation by March 30, 2020. Respondent failed to provide its recommendation by that date and therefore violated this requirement. (Note: Respondent provided a CCT recommendation on April 3, 2020, designating alkalinity, pH, and calcium hardness adjustments as the CCT and included the addition of a phosphate-based corrosion inhibitor if subsequent action level exceedances occurred. Respondent provided an updated CCT recommendation on February 2, 2021, that included the addition of an orthophosphate corrosion inhibitor.)
9. Small water systems that exceed the copper action level shall install optimal corrosion control treatment (OCCT) within 24 months after the EPA designates the OCCT. 40 C.F.R. § 141.81(e)(5). The EPA designated the addition of an

orthophosphate corrosion inhibitor as the OCCT in a letter dated March 23, 2021, for samples collected during the monitoring period that ended December 31, 2020. Respondent failed to install the OCCT within 24 months of this designation, or by March 23, 2023, and therefore violated this requirement.

10. Water systems that exceed the copper action level shall monitor water quality parameters at the entry point to its distribution system (EPTDS), in accordance with 40 C.F.R. § 141.87. Respondent is required to monitor for water quality parameters at each EPTDS, collecting two samples at each site within six months of the beginning of the monitoring period in which the exceedance occurs. 40 C.F.R. §§ 141.87(a) and (b). The System exceeded the copper action level during the monitoring period that began January 1, 2020, but Respondent failed to collect the required water quality parameter samples at each EPTDS by June 30, 2020, and therefore violated this requirement (Note: Respondent did collect the required water quality parameter samples at each EPTDS on August 15 and August 16, 2022.)
11. Water systems that exceed the copper action level shall monitor water quality parameters at the tap within six months of the beginning of the monitoring period in which the exceedance occurs, in accordance with 40 C.F.R. § 141.87. Respondent is required to monitor for water quality parameters at two tap locations, collecting two samples at each location representative of water quality throughout the distribution system. 40 C.F.R. §§ 141.87(a) and (b). The System exceeded the copper action level during the monitoring period that began January 1, 2020, but Respondent failed to collect the required water quality parameter samples at two tap locations by June 30, 2020, and therefore violated this requirement. (Note: Respondent collected two tap samples on August 15 and August 16, 2022.)
12. Water systems that exceed the copper action level shall monitor water quality parameters at the tap within six months of the beginning of the monitoring period in which the exceedance occurs, in accordance with 40 C.F.R. § 141.87. Respondent is required to monitor for water quality parameters at two tap locations, collecting two samples at each location representative of water quality throughout the distribution system. 40 C.F.R. §§ 141.87(a) and (b). The System exceeded the copper

action level during the monitoring period that began January 1, 2022, but Respondent failed to collect the required water quality parameter samples at two tap locations by June 30, 2022, and therefore violated this requirement. (Note: Respondent collected two tap samples on August 15, and August 16, 2022.)

13. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 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 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a sanitary survey report from the EPA on January 15, 2020, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by July 15, 2020. Respondent failed to complete all corrective actions by July 15, 2020, and failed to notify the EPA within 30 days of completion of a significant deficiency corrective action. Respondent therefore violated this requirement. (Note: Respondent completed corrective action of the significant deficiencies and notified the EPA of these corrections on May 27, 2021.)
14. 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 7, 8, and 13, above, are classified as violations requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 7, 8, and 13 and failed to submit a copy of the public notice and certification to the EPA. Respondent therefore violated these requirements.
15. 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, 9, and 13, above, to the EPA and therefore violated this requirement.

ORDER

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

16. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
17. Within 10 days of the receipt of this Order, Respondent must submit to the EPA a proposed plan and schedule to implement the designated OCCT, as discussed in paragraph 9.
 - a. The plan must include proposed modifications to the System and estimated costs of such modifications. The schedule must include a project start date, interim milestone deadlines, and a final compliance deadline (which must be within six months of the project start date). Respondent may not begin construction or modifications to the System before the EPA has approved the schedule.
 - b. The EPA-approved schedule (Schedule) will be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
 - c. Within 10 calendar days after receipt of the EPA's approval of the Schedule, Respondent must begin providing the EPA with monthly reports on the progress made toward bringing the System into compliance with the OCCT implementation requirements. Each monthly report is due by the 10th calendar day of the following month.
 - d. Within 10 calendar days after completing all tasks included in the Schedule, Respondent must notify the EPA of the project's completion.
18. During each monitoring period in which the System exceeds the lead or copper action level, Respondent shall collect water quality parameter samples at each EPTDS. In a letter dated March 22, 2024, the EPA notified Respondent that it shall collect these samples between January 1 and June 30, 2024, and again between July 1 and December 31, 2024, following action level exceedances in each of the previous two monitoring periods. Each site must be sampled twice. 40 C.F.R. § 141.87(a)(1)(ii) and (a)(2)(ii). Respondent shall report water quality parameter

results to the EPA within 10 days following the end of each applicable monitoring period for water quality parameters. 40 C.F.R. § 141.90(a). Water quality parameters sampled shall include the following, according to 40 C.F.R. § 141.87(b)(1):

- a. pH;
- b. water temperature;
- c. calcium;
- d. alkalinity;
- e. total dissolved solids (conductivity);
- f. orthophosphate (only if phosphate-based corrosion inhibitor is used); and
- g. silica (only if silicate-based corrosion inhibitor is used).

19. During each monitoring period in which the System exceeds the lead or copper action level, Respondent is required to monitor for water quality parameters at two tap locations, collecting two samples at each location representative of water quality throughout the distribution system. 40 C.F.R. § 141.87(a)(1)(i) and (a)(2)(i). In the March 22, 2024 letter, the EPA notified Respondent that it shall collect these samples between January 1 and June 30, 2024, and again between July 1 and December 31, 2024, following action level exceedances in each of the previous two monitoring periods. Respondent shall collect two water quality parameter samples from the second tap location. This sample site must be representative of water quality throughout the distribution system. This sample site must be sampled twice. Respondent shall report water quality parameter results to the EPA within 10 days following the end of each applicable tap sampling monitoring period. 40 C.F.R. § 141.90(a). Water quality parameters sampled shall include the following, according to 40. C.F.R. § 141.87(b)(1):

- a. pH;
- b. water temperature;
- c. calcium;
- d. alkalinity;
- e. total dissolved solids (conductivity);
- f. orthophosphate (only if phosphate-based corrosion inhibitor is used); and

- g. silica (only if silicate-based corrosion inhibitor is used).
20. Within 10 calendar days after completing a corrective action of a significant deficiency, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence 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).
 21. 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.
 22. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraphs 7, 8, and 13, 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. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
 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
brookins.rachel@epa.gov

GENERAL PROVISIONS

26. This Order is binding on Respondent, its successors and assigns, 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: May 9, 2024.

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