

January 11, 2022

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

8:56 AM

IN THE MATTER OF:)
)
Beulah Land Water, LLC)
)
Respondent)
)
Beulah Land Water Public Water System)
PWS ID #WY5601692)

Docket No. SDWA-08-2022-0004

ADMINISTRATIVE ORDER

Received by
EPA Region VIII
Hearing Clerk

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. Beulah Land Water, LLC (Respondent), is a Wyoming corporation that owns and/or operates the Beulah Land Water Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated but has the capacity of providing sodium hypochlorite injection treatment in an emergency.
4. The System has approximately 38 service connections used by year-round residents and/or regularly serves an average of approximately 50 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 May 22, 2017, which detailed significant deficiencies. The EPA approved a corrective action schedule to complete corrective actions by November 22, 2017. The EPA’s record reflects that Respondent had requested a time extension for the open significant deficiencies, which the EPA granted with a new deadline of October 1, 2020. Respondent failed to complete all corrective actions *and* failed to notify the EPA of corrective action completion by the new extended deadline of October 1, 2020 and therefore, violated this requirement. In addition, the EPA sent the Respondent a second sanitary survey report dated June 16, 2021, which detailed an additional significant deficiency,

as well as the four uncorrected significant deficiencies identified in the May 22, 2017 sanitary survey report. The EPA approved a corrective action schedule to complete corrective action of the additional significant deficiency by December 23, 2021 while the ones identified in the 2017 were due immediately. Respondent failed to complete all corrective actions *and* failed to notify the EPA of corrective action completion by the deadline of December 23, 2021, and therefore, violated this requirement.

8. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondent is required to develop a written total coliform sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution System and submit it to the EPA for review. 40 C.F.R. § 141.853(a)(1). Respondent must collect total coliform samples according to the written sample siting plan. 40 C.F.R. § 141.853(a)(1). Respondent failed to submit a sample siting plan to the EPA and, therefore, failed to conduct appropriate total coliform sampling. As a result, Respondent violated these requirements.

9. Respondent is required to report monitoring results for total coliform to the EPA within the first 10 calendar days following the end of the month in which the results were received or, if sooner, the first 10 calendar days after the monthly monitoring period. 40 C.F.R. § 141.31. Respondent failed to report monitoring results for the September 2021 sampling by October 10, 2021 and therefore, violated this requirement.

10. 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, are classified as Tier 2 violations, 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 violations cited in paragraph 7 and failed to submit copies of the public notices and certifications to the EPA and therefore, violated this requirement.

11. 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 paragraph 7, 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):

12. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

13. 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 still required to be completed:

- SD#3 (2016 Sanitary Survey) Gravity Tank ID: ST01 - Storage Tank (40K). Storage tank not cleaned and inspected within the last 10 years
- SD#4 (2016 Sanitary Survey) Gravity Tank ID: ST01 - Storage Tank (40K). Overflow on finished water storage tank discharges at improper height.
- SD#5 (2016 Sanitary Survey) Gravity Tank ID: ST01 - Storage Tank (40K). Overflow screening on finished water storage tank improvement needed.
- SD# 6 (2016 Sanitary Survey) Gravity Tank ID: ST01 - Storage Tank (40K). The air vent must be downturned and terminate at least 2 feet above the top of the finished water storage tank.
- SD#1 (2019 Sanitary Survey) Gravity Tank ID: ST01 - Storage Tank (40K). Unknown integrity of storage tank air vent and access hatch. This corrective action is due by December 23, 2021.

14. Within **30 calendar days** of receipt of this Order, Respondent shall develop a written total coliform sample siting plan and submit it to the EPA for review. The plan must identify sampling sites (both routine and repeat) and a sample collection schedule that is representative of water throughout the distribution system, as required by 40 C.F.R. § 141.853(a)(1). The triggered source water monitoring location must also be included in the sample siting plan 40 C.F.R. §141.402(a). A template can be found at <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-sample-siting-plan>.

15. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858.

16. Respondent shall report monitoring 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).

17. 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>.

18. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

19. 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.

20. 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-and-instructions-reporting-forms#new>.

21. 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.

22. 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

23. 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.

24. 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.

25. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative penalty of up to \$59,017 (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; 85 Fed. Reg. at 83821 (December 23, 2020).

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26. 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: January 10, 2022

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