

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0022
South End Water Users Service)
and Improvement District)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
South End Water Users Service and)
Improvement District)
PWS ID #WY5600970)

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. South End Water Users Service and Improvement District is a public body created by or pursuant to Wyoming law that owns and operates the South End Water Users Service and Improvement District Public Water System (System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two consecutive connections to the Town of Cowley, which is supplied by one well. The water is untreated.
4. The System has approximately 50 service connections used by year-round residents and regularly serves an average of approximately 150 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 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 20, 2019, and the next sampling was required between June 1, 2022, and September 30, 2022. Respondent failed to monitor the System’s water for lead and copper during that period and therefore, violated this requirement. Due to Respondent’s failure to monitor triennially in 2019, reduced annual monitoring was revoked and Respondent was required monitor for lead and copper annually.

8. Respondent was required to monitor the System's tap water for lead and copper annually beginning in 2023. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper between June 1 and September 30, 2023, and therefore, violated this requirement.

9. 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 and 8 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 violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. The deadline for public notice of the violation cited in paragraph 8 has not yet passed.

10. 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 and 8, 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):

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

12. Between June 1 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. Within 30 calendar days of receiving 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 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).

13. Respondent shall report any violation of lead and copper monitoring requirements to the EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

14. 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.

15. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, above. 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>.

16. 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.

17. 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

18. This Order is binding on Respondent and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

19. 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.

20. 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) [changes annually, please check] 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).

21. 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: March 7, 2024.

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