

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Town of Moorcroft,)
)
Respondent.)
)
Town of Moorcroft Public Water)
System)
PWS ID #WY5600037)

Docket No. SDWA-08-2024-0023

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. The Town of Moorcroft, Wyoming (Respondent) is a municipality that owns and operates the Town of Moorcroft 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 six (6) wells. The water is treated by chlorine gas.
4. The System has approximately 440 service connections used by year-round residents and regularly serves an average of approximately 1009 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 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 January 18, 2022, which detailed significant deficiencies. The EPA approved Respondent's corrective action schedule to complete corrective actions by May 31, 2023. The EPA's record reflects that the Respondent failed to complete all corrective actions by May 31, 2023, and failed to notify the EPA of corrective action completion by June 30, 2023, and therefore, violated these requirements.
8. Respondent is required to monitor the System's water annually for lead and copper. 40 C.F.R. § 141.86(d). Respondent monitored the System's water for lead and copper on September 26, 2018, and the next sampling was required between June 1, 2021, and September 30, 2021. Respondent failed to monitor the System's water for lead and copper during that period and therefore, violated this requirement. The system sampled for Lead and Copper on August 17 and August 24, 2022.
9. Respondent is required to monitor the System's water for certain radionuclides once every quarter. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during October 1-December 31, 2019, and January 1-March 31, 2020, and therefore, violated this requirement.
10. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and

distribute an annual CCR by July 1, 2020, for calendar year 2019 to the System's customers and to the EPA and failed to provide a certification by October 1, 2021, to the EPA for the 2019 calendar year. Therefore, Respondent violated these requirements. Respondent prepared and distributed the report and submitted the certification to EPA on June 1, 2021.

11. 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 paragraph 7, above, is classified as a violation 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 paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
12. 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 and 9, 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 paragraphs 8 and 9 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
13. 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 through 12, 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):

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

15. 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:

- SD#1: The system must identify and eliminate the source of standing water in the master meter vaults.
- SD#2: The air release piping for Well WL02 -Well #8 must terminate in a downturned position at least 8 inches above the floor.
- SD#3: Well WL03 - Well #6 must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#4: The air release piping for Well WL03 -Well #6 must terminate in a downturned position at least 8 inches above the floor.
- SD#5: The air release piping for Well WL04 -Well #5 must terminate in a downturned position at least 8 inches above the floor.
- SD#6: Well WL05 - Well #9 must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#7: The air release piping for Well WL05 - Well #9 must terminate in a downturned position at least 8 inches above the floor.

- SD#8: Well WL06 - Well #10 must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
 - SD#9: Well WL07 - Moorcroft Madison Well must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
 - SD#10: The air vent and access hatch for Tank ST01 - Moorcroft Storage Tank must be inspected and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities.
 - SD#11: The air vent and access hatch for Tank ST02 - Madison Storage Tank must be inspected and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities.
16. 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. 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).
17. 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 to December 31, 2027, monitoring period. 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).
18. For each calendar year, Respondent shall prepare and distribute a CCR by July 1st of the following year and provide a certification to the EPA within three months, as

required by 40 C.F.R. §§ 141.151- 155.

19. 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).
20. 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.
21. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 7, above, persists, 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, Respondent shall notify the public of the violations cited in paragraphs 8 and 9, 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>.
23. 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.

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

Email: R8DWU@epa.gov, and

Moore.jessica@epa.gov

GENERAL PROVISIONS

25. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
26. 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.
27. 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).
28. 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 25, 2024.

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