



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

April 14, 2021  
8:01 AM

Received by  
EPA Region VIII  
Hearing Clerk

April 14, 2021

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ben Mavy, Chief Operator  
Turnerville Water and Sewer District  
[ben@starvalleywater.com](mailto:ben@starvalleywater.com)

Re: Administrative Order issued to Town of Turnerville regarding Turnerville Water and Sewer District Public Water System, PWS ID #WY5601115, Docket No. **SDWA-08-2021-0018**

Dear Mr. Mavy:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Town of Turnerville (Town), as owner and/or operator of the Turnerville Water and Sewer District Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. If the Town complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$59,017 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of the Town's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages the Town to contact any such governmental agency or agencies regarding any applicable approval requirements.

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EPA acknowledges that the COVID-19 pandemic may be impacting the System. If the Town has specific COVID-19 issues that would affect the timeframes listed herein, please contact Angela Zachman via email at [zachman.angela@epa.gov](mailto:zachman.angela@epa.gov) or by phone at (800) 227, 8917, extension 6923, or (303) 312-6923. The EPA may, in its discretion, consider granting an extension.

If you have any questions or to request an informal conference with the EPA, please contact Angela Zachman at the email and phone number listed in the above paragraph. Any questions from the Town's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

**COLLEEN**

**RATHBONE**

Digitally signed by  
COLLEEN RATHBONE

Date: 2021.04.14  
07:55:12 -06'00'

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

Enclosures

cc: WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Lincoln County Commissioners ([rking@lcwy.org](mailto:rking@lcwy.org))  
Chad Turner, President of Tunerville Water & Sewer District ([Turner5193@silverstar.com](mailto:Turner5193@silverstar.com))  
Ernie Eaton, Alternate Operator, ([veratxemie@yahoo.com](mailto:veratxemie@yahoo.com))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

April 14, 2021  
8:01 AM

IN THE MATTER OF:	)		
	)	Docket No. <b>SDWA-08-2021-0018</b>	Received by
Town of Turnerville	)		EPA Region VIII
	)	<b>ADMINISTRATIVE ORDER</b>	Hearing Clerk
Respondent.	)		
	)		
Turnerville Water and Sewer District	)		
<u>PWS ID #WY5601115</u>	)		

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 Turnerville, Wyoming (Respondent) is a municipality that owns and/or operates the Turnerville Water and Sewer District Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by groundwater under the direct influence of surface water accessed via one spring. The water is treated with chlorination.
4. The System has approximately 40 service connections used by year-round residents and/or regularly serves an average of approximately 90 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 comply with the filtration requirements of Part 141, Subparts H, T, and W, by June 1, 2018. These requirements stem from the EPA’s determination that the System’s water source is under the influence of surface water, as advised in EPA’s letter to Respondent dated December 2, 2016. Respondent has not properly met its filtration responsibilities and therefore, has violated these requirements.
8. 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 violation identified in paragraph 7, above, is classified as a Tier 2 violation, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondent failed to notify the public of the violation cited in paragraph 7 or failed to submit a copy to the EPA and therefore, violated this requirement.

9. 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 violation 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):

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

11. Within 30 calendar days after receipt of this Order, Respondent shall provide the EPA with a plan and schedule for Respondent to come into compliance with 40 C.F.R. part 141, Subparts H, T, and W, either by meeting the filtration, filtration avoidance, and disinfection requirements that apply to each source that is surface water or groundwater determined to be under the direct influence of surface water, or by switching permanently to an alternate source of water that is not subject to these requirements. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

12. The schedule required by paragraph 11, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA.

- 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. Within 30 calendar days after receipt of the EPA's approval of the schedule required by paragraph 11, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. part 141, Subparts H, T and W. Each quarterly report is due by the 10th calendar day of the month following the end of the relevant quarter.
- c. Within 10 calendar days after completing all tasks included in the Schedule, Respondent must notify the EPA of the project's completion.

13. Respondent must achieve and maintain compliance with 40 C.F.R. part 141, Subparts H, T, and W by the final date specified in the approved schedule, or no later than 24 months after receipt of the EPA's approval of the schedule required by paragraph 11, above, whichever is earliest. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

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, and quarterly thereafter as long as the violation cited in paragraph, 7, above, persists, Respondent shall notify the public of these violation. 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>. 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).

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](mailto:R8DWU@epa.gov),  
[Hicks.nathaniel@epa.gov](mailto:Hicks.nathaniel@epa.gov), and [Zachman.angela@epa.gov](mailto:Zachman.angela@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 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).

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: April 14, 2021.

**COLLEEN  
RATHBONE**

 Digitally signed by COLLEEN  
RATHBONE  
Date: 2021.04.14 07:58:31 -06'00'

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