



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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1/19/2023

9:07 AM

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Town of Albin, Wyoming
c/o The Honorable Kelly Krakow, Mayor
townofalbin@yahoo.com

Re: Violation of the Town of Albin Administrative Order, Docket No. SDWA-08-2021-0034,
Town of Albin Public Water System, PWS ID #WY5600189

Dear Mayor Krakow:

The purpose of this letter is to notify the Town of Albin (Town) that civil penalties and/or a federal court injunction may be ordered against the Town for violations of the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* (Act) at the Town of Albin Public Water System (System). Specifically, on July 26, 2021, the EPA issued the above-referenced Administrative Order (Order), directing the Town to comply with the National Primary Drinking Water Regulations (Part 141) issued by the EPA under the Act. Our records indicate that the System is in violation of the Order.

Among other things, the Order included the following requirements, which have not been properly completed:

Significant Deficiencies.

Summarized from paragraph 18 of the Order: 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. 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.

- Violation: Failure to correct significant deficiencies.
 - The Town did not consult with the EPA within 30 days regarding action to correct significant deficiencies or complete corrective action of significant deficiencies.

- The Town must consult with the EPA regarding action to correct the below significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions by April 1, 2023.
 - The well vent for Well WL02-Town of Albin No. 2 (Well #2) must be covered with #24-mesh corrosion-resistant screen.
 - The well vent for Well WL03-Albin Water Station (Well #3) must be covered with a #24-mesh corrosion-resistant screen.
 - The gauge on the flange of the well head for Well #3 must be repaired or replaced and the spilled fluids cleaned up and properly disposed.
 - The air release-vacuum relief valve for Well #3 must be covered with #24-mesh corrosion-resistant screen.
 - The piping for the air release-vacuum relief valve for Well WL04-Town of Albin #4 (Well #4) must terminate in a downturned position.
 - The piping for the air release-vacuum relief valve for Well #4 must be covered with a #24-mesh corrosion-resistant screen.
 - The mice or other animals and their droppings must be removed from the immediate area of Well #4.
 - The leaks in the tank and/or piping in Well #4 must be repaired or the components must be replaced.
 - The hatch for Tank ST01 (Tank 25K, Small) must have a neoprene gasket to seal the hatch lid to the frame tightly.
 - The hatch for Tank ST02 (Tank 100K, Large) must have a neoprene gasket to seal the hatch lid to the frame tightly.
 - The System needs an Emergency Response Plan (ERP) that must detail emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions and other emergency conditions.

Total Coliform Monitoring.

Summarized from paragraph 17 of the Order: 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.

- Violation: Failure to Timely Conduct Total Coliform Monitoring.
 - Respondent failed to have the December 2021 total coliform sample analyzed within the approved holding time.
 - No corrective action is required for this violation.

Summarized from paragraph 21 of the Order: Respondent shall notify the public of the violation in paragraph 9. 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>.

- Violation: Failure to Post Tier 3 Public Notice for Total Coliform Monitoring.
 - Respondent failed to notify the public that the December 2021 total coliform sample was not sampled within the approved holding time and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
 - Respondent shall notify the public of the December 2021 failure to monitor for total coliform violation by February 28, 2023, and submit a copy of the notice and certification to the EPA by March 10, 2023.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$62,689 (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; 87 Fed. Reg. at 1679 (January 12, 2022).

The EPA may choose not to file a complaint seeking civil penalties if the Town does not incur any additional violations and if the Town consults with the EPA regarding corrective action of the above-referenced significant deficiency violations by April 1, 2023.

For assistance with actions necessary to come into compliance, please contact Steven Latino via email at latino.steven@epa.gov or by phone at (800) 227-8917, extension 6440 or (303) 312-6440. Any questions from your attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at 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, Branch Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Laramie County Commissioners
EPA Regional Hearing Clerk
Aaron Anderson, Water Operator
Jillian Kriz, Town Clerk
Tom McDonough, Contract Operator
Dennis Lewis, WY DEQ District Engineer