

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8



IN THE MATTER OF: )  
 ) Docket No. SDWA-08-2024-0027  
Jeffrey City Water & Sewer District )  
 ) **ADMINISTRATIVE ORDER**  
Respondent. )  
 )  
Jeffrey City Public Water System )  
PWS ID #WY5600106 )

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. Jeffrey City Water & Sewer District (Respondent) is a public body created by or pursuant to Wyoming law that owns and/or operates the Jeffrey City Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is treated by chlorination.
4. The System has approximately 25 service connections used by year-round residents and regularly serves an average of approximately 40 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 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 February 26, 2021, which detailed significant deficiencies. Respondent failed to either complete corrective actions or comply with an EPA-approved corrective action plan and schedule by August 25, 2021, and therefore violated these requirements.
8. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead to the persons served at each sampled site no later than 30 days after the System learns of the tap monitoring results, in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent is required to 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). The EPA's record reflects that Respondent failed to deliver a consumer notice to the persons served at each sampled site during the January to June 2021 monitoring period and failed to submit a copy of the consumer notice and certification to the EPA within this time frame, and therefore violated these requirements. (Note: The EPA received a copy of the consumer notice and certification on December 16, 2021.)
  9. Respondent is required to monitor the residual disinfectant level in the System's distribution System at the same time and place as total coliforms are to be sampled under 40 C.F.R. §§ 141.21 and 141.132(c)(1). Respondent failed to monitor the System's water for residual disinfectant during August 2023 and therefore violated this requirement.
  10. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during February 2023 and therefore violated this requirement.
  11. Respondent was required to monitor the System's water for certain radionuclides once each quarter. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during the first quarter of 2020, the first quarter of 2021, and the first quarter of 2022 and therefore violated this requirement. (Note: Respondent subsequently monitored for radionuclides and submitted results to EPA

on May 5, 2022.)

12. Respondent is required to monitor the System's water annually for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the System's water for VOCs in 2021 and therefore violated this requirement. (Note: Respondent sampled for the VOCs on December 20, 2022. The EPA received a copy of these VOC monitoring results on January 10, 2023.)
13. For each calendar year, Respondent is required, no later than July 1 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, 2019, for calendar year 2018 to the System's customers and to the EPA. Therefore, Respondent violated these requirements. (Note: The EPA received a copy of the CCR on October 15, 2019.)
14. Respondent is required to report monitoring results for residual disinfectant, total coliform bacteria, radionuclides, and volatile organic contaminants to the EPA within the first 10 calendar days following the end of the monitoring period in which the results were received or, if sooner, the first 10 calendar days after the monitoring period. 40 C.F.R. § 141.31. Respondent failed to report monitoring results within 10 days of the monitoring periods described in paragraphs 9-12, above, and therefore violated this requirement.
15. 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 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 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.
16. 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 9-12, 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 10-12 and failed to submit a copy of the public notice and certification to the EPA, and therefore violated these requirements. (Note: The violation cited in paragraph 9 has an associated public notice requirement due in August 2024.)

17. 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 7-9 and 11-13, above, to the EPA and therefore violated this requirement.
18. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 10, 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):

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

- *WL01 – Lucky MC #JC 101 – must be fitted with a functioning sanitary seal and a tightly bolted cap to prevent contamination from entering the well.*
21. Respondent shall deliver the consumer notices 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). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>.
  22. Respondent shall monitor the residual disinfectant level in the System's water in the distribution System at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.132(c)(1) and 141.21. No later than 10 calendar days after the end of each month, Respondent shall report residual disinfectant sample results to the EPA, as required by 40 C.F.R. § 141.134.
  23. 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. 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).
  24. 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 2028. The System was moved to a six-year monitoring period in January 2023. 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).
  25. Respondent shall monitor the System's water for VOCs in accordance with 40

- C.F.R. § 141.24(f)(5). 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).
26. For each calendar year, Respondent shall prepare and distribute a CCR by July 1 of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151-155.
  27. Respondent shall report monitoring results for contaminants to the EPA within the first 10 calendar days following the end of the monitoring period. 40 C.F.R. § 141.31(a).
  28. 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.
  29. 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 this violation. 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>.
  30. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 10-12, 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>.

31. 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-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
32. 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.
33. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and latino.steven@epa.gov

### **GENERAL PROVISIONS**

34. This Order is binding on Respondent and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
35. 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.
36. 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).

37. 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: May 2, 2024.

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