

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

April 22, 2020

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Received by

EPA Region VIII

Hearing Clerk

IN THE MATTER OF: )  
 )  
Tata Chemicals (Soda Ash) Partners )  
 )  
Respondent. )  
 )  
Tata Chemicals (Soda Ash) Partners Public )  
Water System )  
PWS ID #WY5600636 )

Docket No SDWA-08-2020-0024

**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. Tata Chemicals (Soda Ash) Partners (Respondent) is a Wyoming partnership that owns and operates the Tata Chemicals (Soda Ash) Partners Public Water System (System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a surface water source accessed via an intake on the Green River with treatment provided via coagulation, clarification, membrane filtration, and chlorination.
4. The System has approximately 18 service connections and regularly serves an average of approximately 701 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that regularly serves at least 25 of the same persons over six months per year and, as such, is also a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.
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. The maximum contaminant level (MCL) for total trihalomethanes (TTHMs) is 0.080 milligrams per liter (mg/L) and for haloacetic acid (HAA5s) is 0.060 mg/L, based on the locational running annual average (LRAA) of four consecutive quarterly samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d). The LRAA of samples at sampling location RSC-20 (Medical Building) for HAA5s was 0.065 mg/L in the 2<sup>nd</sup> quarter of 2019, 0.088 mg/L in the 3<sup>rd</sup> quarter of 2019, and 0.083 mg/L in the 4<sup>th</sup> quarter of 2019. The LRAA of samples at sampling location RSC-20 (Medical Building) for TTHMs was 0.090 mg/L in the 3<sup>rd</sup> quarter of 2019 and 0.108 mg/L in the 4<sup>th</sup> quarter of 2019. Therefore, Respondent violated these requirements.
8. Respondent is required to conduct continuous indirect integrity monitoring on each membrane unit and submit a monthly report to the EPA summarizing all continuous indirect integrity monitoring

results triggering direct integrity testing and the corrective action that was taken in each case 40 C.F.R. § 141.719(b)(4). Respondent failed to monitor and record the turbidity at the effluent of the membrane filtration skid from September 10, 2019, to October 4, 2019, and therefore, violated this requirement.

9. Respondent is required to collect total trihalomethanes (TTHMs) and haloacetic acids (HAA5s) samples in the System's distribution system quarterly. 40 C.F.R. § 141.623. Respondent failed to monitor the System's water for TTHMs and HAA5s during the fourth quarter of 2017 and the first quarter of 2018, and therefore, violated this requirement.

10. Respondent is required to monitor the System's water at least annually for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the System's water for VOCs during 2017, and therefore, violated this requirement.

11. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) annually. 40 C.F.R. §§ 141.23(a) and (c). Respondent failed to monitor the System's water for IOCs during 2017 and therefore, violated this requirement.

12. Respondent is required to monitor the System's water annually for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during 2017 and therefore, violated this requirement.

13. The System's water may at no time exceed 1 Nephelometric Turbidity Unit (NTU). 40 C.F.R. § 141.551(b). The System's water exceeded 1 NTU during February of 2020 and Respondent, therefore, violated this requirement.

14. Respondent is required to monitor the System's filtered water for turbidity at least every four hours that the System serves water to the public. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the System's water for turbidity every four hours from September 10, 2019, to October 4, 2019, 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 violations identified in paragraph 7, above, are classified as Tier 2 violations, 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 and/or failed to submit a copy 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 through 12, above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violations cited in paragraphs 9 through 12 and/or failed to submit a copy to the EPA, and therefore, violated this requirement.

17. Respondent is required to report any failure to comply with any National Primary Drinking

Water Regulations Part 141 to the EPA within 48 hours (except where Part 141 specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violation 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):

18. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the TTHMs and HAA5s maximum contaminant levels (MCLs) as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's Schedule.
  - a. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
  - b. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHMs and HAA5s MCL. Each quarterly report is due by the 10th day of the month following the relevant calendar quarters (e.g., April 10 for the first calendar quarter).
  - c. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.
  - d. The System shall achieve compliance with the TTHMs and HAA5s MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
19. Respondent shall monitor the turbidity at the effluent of the membrane skid continuously at a frequency of no less than once every 15 minutes 40 C.F.R. § 141.719(b)(4)(ii). Respondent shall submit a monthly report to the EPA summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case.
20. Respondent shall monitor the System's water quarterly for TTHMs and HAA5s at the specific location during the month identified in the System's monitoring plan, as required by 40 C.F.R. §§141.620-141.622. Respondent shall submit the sampling results to the EPA within 10 calendar days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.
21. Respondent shall monitor the System's water for VOCs as required by Part 141. Respondent is next required to sample for volatile organic contaminants during 2020. 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).

22. Respondent shall monitor the System's water for IOCs as required by 40 C.F.R. §§ 141.23(a) and (c). Respondent is next required to sample for IOCs during 2020. 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).
23. Respondent shall monitor the System's water for nitrate annually, in accordance with 40 C.F.R. §§ 141.23(a) and (d). 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 ensure that the System's water will at no time exceed 1 NTU, as required by 40 C.F.R. § 141.551(b). If at any time the System's water exceeds 1 NTU, Respondent shall consult with the EPA within 24 hours of learning of the violation, as required by 40 C.F.R. § 141.203(b)(3), to determine whether the Respondent will need to provide Tier 1 public notice as described in 40 C.F.R. § 141.202. If at any time the System's water exceeds 1 NTU but Respondent does not consult with the EPA within 24 hours of learning of the violation, Respondent must distribute a Tier 1 public notice as described in 40 C.F.R. § 141.202 no later than 48 hours after learning of the violation.
25. At least once every four hours that the System provides water to the public, Respondent shall monitor the System's filtered water for turbidity as required by 40 C.F.R. § 141.74(c)(1). Within 10 calendar days after the end of each month after the System serves water to the public, Respondent shall report results of that month's turbidity measurements to the EPA, as required by 40 C.F.R. § 141.75(b).
26. Within 24 hours after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7, above. 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>. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the certification and notice to the EPA. 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.
27. Respondent shall notify the public quarterly by completing a public notice (PN) until the TTHMs and HAA5s MCL violations are resolved. Respondent shall submit a copy of the completed PN and appropriate certification 10 calendar days after the PN was provided. 40 C.F.R. §§ 141.31(d) and 141.201(c)(3).
28. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 9 through 12, above, except for the failure to monitor for TTHM and HAA5 during the fourth quarter of 2017 cited in paragraph 9 above. 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).
29. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.
30. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not

limited to each requirement cited above.

31. 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 shall, 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 shall remain obligated to comply with this Order.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [latino.steven@epa.gov](mailto:latino.steven@epa.gov)

### **GENERAL PROVISIONS**

33. This Order shall be binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

34. This Order shall 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.

35. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (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 1754 (January 13, 2020).

36. 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 21, 2020.

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