

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**



IN THE MATTER OF:)	
)	Docket No. SDWA-08-2025-0014
Town of Wheatland,)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Town of Wheatland Public Water System)	
PWS ID #WY5600187)	

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 Wheatland, Wyoming (Respondent), is a municipality that owns and operates the Town of Wheatland Public Water System (System), which provides piped water to the public in Platte County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via eight wells. The water is treated by chlorine gas at three treatment plants.
4. The System has approximately 2,008 service connections used by year-round residents and regularly serves an average of approximately 3,659 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).

VIOLATIONS

6. 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 the 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 July 18, 2023, which detailed significant deficiencies. The EPA approved Respondent's corrective action schedule to complete corrective actions by January 18, 2023, and extended the completion date to January 4, 2025. The EPA's record reflects that the Respondent failed to complete all corrective actions by January 4, 2025, and failed to notify the EPA of corrective action completion by February 17, 2025, and therefore, violated these requirements.

7. 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 6, above, are classified as violations 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 6 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
8. 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 6, 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):

9. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
10. 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 (Note: Construction drawings for the "Settling Basin Overflow Modifications Project" were provided by Respondent in an email dated March 5, 2025, and EPA subsequently provided comments):

- Gravity Tank ID: ST05 – North Settling Basin Storage Tank – the tank must be evaluated by a professional engineer familiar with the construction of water-storage tanks to determine the integrity of the tank's walls.
- Gravity Tank ID: ST04 – South Settling Basin Storage Tank – the tank must have an overflow that is separate from the vent.
- Gravity Tank ID: ST05 – North Settling Basin Storage Tank – the tank must have an overflow that is separate from the vent.

11. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 6, 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>.
12. 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.

13. 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.
14. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
brown.christopher.t@epa.gov

GENERAL PROVISIONS

15. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
16. 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.
17. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$71,545 (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; 90 Fed. Reg. at 1375 (January 8, 2025).
18. 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 25, 2025.

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