

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2021-0036
Ciner Wyoming LLC)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Ciner Wyoming LLC Public Water System)	
<u>PWS ID #WY5600634</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. Ciner Wyoming LLC (Respondent) is a Wyoming corporation that owns and/or operates the Ciner Wyoming LLC 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 the Green River. The water is treated with conventional filtration and disinfection using sodium hypochlorite.
4. The System has approximately 15 service connections and regularly serves an average of approximately 450 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. Respondent is required to reduce the total organic carbon (TOC) between the System’s source water and its combined filter effluent at a ratio of 1.00. 40 C.F.R. § 141.135(b)(2) and § 141.135(c). Compliance is determined quarterly by calculating a running annual average (RAA) removal ratio, between the source water and combined filter effluent, of greater than or equal to 1.00 for TOC removal, in accordance with 40 C.F.R. § 141.135(c). Respondent did not achieve this ratio reduction during the 12-month periods from October 2019 through September 2020, and January 2020 through December 2020, and April 2020 through March 2021 and therefore, violated this requirement.

8. The System's water may at no time exceed 1 Nephelometric Turbidity Unit (NTU). 40 C.F.R. § 141.551(b)(1). The System's water exceeded 1 NTU during January 11, 2018 and Respondent, therefore, violated this requirement.

9. 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 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 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

10. 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 and 8, 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):

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

12. Respondent shall achieve a reduction of the TOC between the System's source water and its combined filter effluent, determined quarterly by calculating a RAA removal ratio of greater than or equal to 1.00 for TOC removal, as required by 40 C.F.R. § 141.135(b)(2) and 141.135(c).

13. 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)(1). 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 of learning of the violation.

14. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph, 7 above, persist, Respondent shall notify the public of these violations. 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>.

15. 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.

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, and
Hicks.nathaniel@epa.gov

GENERAL PROVISIONS

18. This Order is binding on Respondent, its successors and assigns, 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: August 6, 2021.

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