

January 22, 2021

9:39 AM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by

EPA Region VIII

Hearing Clerk

IN THE MATTER OF: )  
 )  
Happy Valley Pipeline, Inc. )  
 )  
Respondent )  
 )  
Happy Valley Pipeline Public Water System )  
PWS ID #WY5600153 )

Docket No. SDWA-08-2021-0009

**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. Happy Valley Pipeline, Inc (Respondent) is a Wyoming corporation that owns and/or operates the Happy Valley Pipeline Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via two springs, Water Cress Spring (SPR01) and Water Cress Spring (SPR02). The water is untreated.
4. The System has approximately 25 service connections used by year-round residents and regularly serves an average of approximately 60 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 deliver a consumer notice of individual tap monitoring results for lead and copper 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 is required to submit to the EPA a sample copy of the consumer notification form along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3). Respondent failed to deliver a consumer notice to the persons served at each sampled site for the January 1 through June 30, 2019 monitoring period and failed to submit a copy of the consumer notice to the EPA and therefore violated this requirement.
8. 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). Respondent received a sanitary survey report from the EPA dated September 27, 2018, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by June 29, 2019. Respondent failed to complete all corrective actions by June 29, 2019, and/or failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement. On March 2, 2020, the EPA received proof that all the corrective actions identified in the September 27, 2018 sanitary survey report have been completed. No further action is required.

9. For each calendar year, Respondent is required, no later than July 1<sup>st</sup> 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 provided a CCR certification to the EPA on June 29, 2015 but failed to provide the 2014 CCR to the EPA by the deadline of July 1, 2015. Therefore, Respondent violated that requirement. A copy of the 2014 CCR was later received on September 3, 2015. No further action is required.

10. Respondent is required to monitor the System's water for radionuclides quarterly. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radionuclides during the January 1 to March 30, 2019 and January 1 and March 30, 2020 periods and therefore, violated this requirement. Respondent subsequently monitored for radionuclides in the remaining three quarters of 2019 and of 2020.

11. Respondent is required to monitor the System's water for synthetic organic contaminants (SOCs). 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for SOC's during the January 1 to March 31, 2019 period and therefore, violated this requirement. Respondent subsequently monitored for SOC's in the remaining three quarters required.

12. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(19). Respondent failed to monitor the System's water for VOCs during the January 1 to March 31, 2019 period and therefore, violated this requirement. Respondent subsequently monitored for VOCs in the remaining three quarters required.

13. Respondent is required to notify the public of certain violations of Part 141 and, within 10 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 10, 11, and 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 10, 11 and in paragraph 12, except for the failure to monitor water for radionuclides during January 1 to March 31, 2020 that are due by March 31, 2021. Respondent failed to submit copies of the public notices and certifications to the EPA and therefore, violated this requirement. The deadline for public notice of the violation cited in paragraph 10 for the January 1 to March 31, 2020 period has not yet passed.

14. 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, 8, 10, 11 and 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):

15. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
16. Within 90 calendar days after receipt of this Order, Respondent shall deliver a lead and copper consumer notice of individual tap monitoring results to the persons served at each sampled site for the January 1 through June 30, 2019 monitoring period, 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).
17. Respondent must complete corrective actions for any significant deficiency the EPA identifies at the System and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.404(a) and 141.405(a)(2).
18. Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, for the System for each calendar and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that each CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.
19. Respondent shall monitor the System's water for radionuclides no later than March 31, 2021 and during each of the following three consecutive quarters in 2021, and thereafter in accordance with 40 C.F.R. § 141.26(a). 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).
20. Respondent shall monitor the System's water for SOC's between January 1, 2023 and December 31, 2025, and thereafter in compliance with 40 C.F.R. § 141.24(h). 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 VOCs between January 1, 2021 and December 31, 2021, and thereafter in compliance with 40 C.F.R. § 141.24(h). 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).

21. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 10, 11 and 12 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>. 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, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

22. 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.

23. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent shall 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-and-instructions-reporting-forms#new>.

24. 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.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov)

### **GENERAL PROVISIONS**

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


27. 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.

28. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil 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. 83, 818 (December 23, 2020).

29. 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: January 22, 2021.

**COLLEEN  
RATHBONE**

 Digitally signed by COLLEEN  
RATHBONE  
Date: 2021.01.22 09:35:56 -07'00'

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