



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

May 4, 2021

Ref: 8ENF-W-SD

**SENT VIA EMAIL**

Mr. Todd Brown, Operator  
Town of Marbleton  
10700 Highway 189  
Marbleton, Wyoming 83113  
[tbrown43@live.com](mailto:tbrown43@live.com)

Re: Administrative Order issued to the Town of Marbleton regarding the Town of Marbleton Public Water System, PWS ID # WY5600223, Docket No.SDWA-08-2021-0022

Dear Mr. Brown:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Town of Marbleton (Municipality), as owner and/or operator of the Town of Marbleton Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Municipality believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Municipality, the EPA will assume this information is correct. If the Municipality complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$59,017 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The EPA acknowledges that the COVID-19 pandemic may be impacting the Municipality. If you have specific COVID-19 issues that would affect the timeframes listed herein, please contact Angela Zachman. We will consider nationwide public health developments and your specific circumstances in determining an appropriate timeline for responding to this Administrative Order, while still pursuing regulatory compliance with the Safe Drinking Water Act as expeditiously as possible.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed is a fact sheet to assist you in addressing the outstanding violations and return to compliance.

If you have any questions or to request an informal conference with the EPA, please contact Angela Zachman via email at zachman.angela@epa.gov, or by phone at (800) 227-8917, extension 6923, or (303) 312-6923. Any questions from the Municipality's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

**COLLEEN  
RATHBONE**

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COLLEEN RATHBONE  
Date: 2021.05.04  
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Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division

Enclosure

cc: WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Mayor Jim Robinson, Town of Marbleton, (marbletontown@hotmail.com)  
Sublette County Commissioners (carrie.long@sublettewyo.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF:	)	
	)	Docket No. SDWA-08-2021-0022
Town of Marbleton,	)	
	)	<b>ADMINISTRATIVE ORDER</b>
Respondent.	)	
	)	
Town of Marbleton Public Water System	)	
<u>PWS ID #WY5600223</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. The Town of Marbleton, Wyoming (Respondent), is a municipality that owns and/or operates the Town of Marbleton Public Water System (System), which provides piped water to the public in Sublette County for human consumption.
3. The System is supplied by a groundwater source accessed via eight wells. The water is untreated; however, water is pumped through a sand separator then into the distribution system with excess water stored in the storage tanks. Stand-by chlorination equipment with sodium hypochlorite are at each well location.
4. The System has approximately 300 service connections used by year-round residents and/or regularly serves an average of approximately 780 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 monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point in the distribution System which is representative of each well after treatment at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System’s water for SOC’s between January 1, 2017, and December 31, 2019; and January 1, 2014; and December 31, 2016, and therefore, violated this requirement.

8. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point in the distribution system which is representative of each well after treatment. Respondent failed to monitor the System's water for IOCs between January 1, 2017, and December 31, 2019; and January 1, 2014, and December 31, 2016, and therefore, violated this requirement. 40 C.F.R. § 141.23(a) and (c).
9. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) at every entry point in the distribution system, which is representative of each well after treatment, during 3-year compliance period. Respondent failed to monitor the System's water for VOCs between January 1, 2017, and December 31, 2019; and January 1, 2014, and December 31, 2016, and therefore, violated this requirement. 40 C.F.R. § 141.24(f)(6).
10. Respondent is required to monitor the System's water for radionuclides once every 3 years. Respondent failed to monitor the System's water for radionuclides during January 1 and December 31, 2020, and therefore, violated this requirement. 40 C.F.R. § 141.26(a)(3).
11. 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 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 and failed to submit a copy of the consumer notice and certification to the EPA for the period of June 1, through September 30, 2019 and therefore violated this requirement. The System has submitted necessary documentation to correct this violation on February 26, 2020. No actions are needed at this time.
12. For each calendar year, Respondent is required, no later than July 1st 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 for calendar years 2017 and 2018 to the System's customers and to the EPA and failed to provide a certification to the EPA for calendar years 2017 and 2018. Therefore, Respondent violated these requirements. The System has submitted necessary documentation to correct this violation no actions are needed at this time.
13. 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 2018 and therefore, violated this requirement. The System has submitted necessary documentation to correct this violation. No actions are needed at this time.

14. 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 on January 3, 2017, which detailed significant deficiencies. Respondent failed to complete all corrective actions within the 120-calendar day timeframe and failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement. Respondent completed corrective action of the significant deficiency in November of 2017. The System has submitted necessary documentation to correct this violation. No actions are needed at this time.

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 paragraphs 7, 8, 9, 10, and 13, above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's record reflects that Respondent failed to notify the public of the violations cited in paragraphs 7, 8, 9, 10, and 13, and 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 paragraph 14, above, are classified as Tier 2 violations, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's record reflects that Respondent failed to notify the public of the violation cited in paragraph 14 and failed to submit a copy to the EPA and therefore, violated this requirement.

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, 8, 9, 10, 11, 12, 13, and 14, 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. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

19. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for SOCs in accordance with 40 C.F.R. § 141.24(h)(4). 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. § 141.24(h)(4).

20. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c). 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, and as required by Part 141 thereafter, Respondent shall monitor the System's water for VOCs, as required by 40 C.F.R. § 141.24(f)(6). 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. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for radionuclides 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).
23. Within 30 days after the System learns of the tap monitoring results during the next lead and copper monitoring period, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/notice-lead-tap-water-results>. 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).
24. For each calendar year Respondent shall, no later than July 1, of the following year, (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the 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. Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.
25. For each calendar year, Respondent shall monitor the System's water for nitrate, 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).
26. Within 10 calendar days after completing a corrective action of a significant deficiency, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence 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).

27. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the failure to monitor violations cited in paragraphs 7, 8, 9, 10, and 13 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, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

28. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 14, above, persists, Respondent shall notify the public of these 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/ground-water-rule-failure-take-corrective-action-public-notification-template>. 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. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent shall 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 shall report the violation to the EPA within that different period.

30. 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.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and  
[Zachman.angela@epa.gov](mailto:Zachman.angela@epa.gov)

### **GENERAL PROVISIONS**

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

33. 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.

34. 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. at 83821 (December 23, 2020).

35. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j7(a).

Issued: \_May 4, 2021.

**COLLEEN  
RATHBONE**

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