

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

Jun 13, 2025

11:15 am

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:

Town of Baggs,

Respondent.

Town of Baggs Public Water System
PWS ID #WY5600058

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Docket No. SDWA-08-2025-0022

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. The Town of Baggs, Wyoming (Respondent), is a municipality that owns and operates the Town of Baggs Public Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System is supplied by a surface water source accessed via an infiltration gallery on the Little Snake River. The water is treated by pre-oxidation via permanganate addition, coagulation, flocculation, and sedimentation, followed by alternative (membrane) filtration. Water is injected with a low dose of chlorine prior to storage in a clear well. Primary disinfection is achieved using sodium hypochlorite after the clear well. The distribution system is gravity-fed.
4. The System has approximately 256 service connections used by year-round residents and regularly serves an average of approximately 400 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. The maximum contaminant levels (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (HAA5) are 0.080 and 0.060 milligrams per liter (mg/L), respectively, 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 is calculated each quarter using the results of the most recent four consecutive sampling events at each required sampling location. Respondent has submitted samples from the 285 N. Penland sampling location that resulted in LRAAs exceeding the MCLs as listed below:

Monitoring Quarters (4) Contributing to LRAA	TTHM LRAA	HAA5 LRAA
1Q 2021 – 4Q 2021	0.083 mg/L	N/A
2Q 2021 – 1Q 2022	0.084 mg/L	N/A
3Q 2022 – 2Q 2023	N/A	0.066 mg/L
4Q 2022 – 3Q 2023	N/A	0.064 mg/L
1Q 2023 – 4Q 2023	N/A	0.061 mg/L
4Q 2023 – 3Q 2024	0.096 mg/L	0.071 mg/L
1Q 2024 – 4Q 2024	0.098 mg/L	0.073 mg/L
2Q 2024 – 1Q 2025	0.099 mg/L	0.075 mg/L
3Q 2024 – 2Q 2025	0.103 mg/L	0.084 mg/L

“N/A” indicates the LRAA did not exceed the MCL.

Therefore, Respondent has violated the TTHM MCL six times and the HAA5 MCL seven times since the first quarter of 2021.

8. Respondent is required to collect total TTHM and HAA5 samples in the System’s distribution system quarterly and on the dates identified in the System’s monitoring plan. 40 C.F.R. §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the System’s water for TTHM and HAA5 during the January to March 2023 monitoring period and therefore, violated this requirement (Note: Respondent subsequently sampled for TTHM and HAA5 during the April to June 2023 monitoring period).
9. Respondent is required to report monitoring results for total coliform to the EPA within the first 10 calendar days following the monthly monitoring period. 40 C.F.R. § 141.31. Respondent failed to report monitoring results by this deadline for the November 2024 and February 2025 monitoring periods and therefore, violated this

- requirement (Note: Respondent subsequently reported monitoring results by the deadline for the December 2024 and March 2025 monitoring periods, respectively).
10. Respondent is required to report monitoring results for the distribution system chlorine residual measurements to the EPA within the first 10 calendar days following the end of the monthly monitoring period. 40 C.F.R. § 141.31. Respondent failed to report the measured residual by this deadline for the November 2024 and February 2025 monitoring periods and therefore, violated this requirement (Note: Respondent subsequently reported monitoring results by the deadline for the December 2024 and March 2025 monitoring periods, respectively).
 11. 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 paragraphs 7 through 8 and 10 through 12, above, to the EPA and therefore, violated this requirement.
 12. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 9, 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):

13. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
14. 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 TTHM and HAA5 MCLs as identified in 40 C.F.R. § 141.62(b).
 - a. The plan shall include proposed modifications to the System and estimated costs of such modifications.

- b. 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.
 - c. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
 - d. 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 TTHM and HAA5 MCLs. 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).
 - e. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.
 - f. The System shall achieve compliance with the TTHM and HAA5 MCLs 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.
 - g. Respondent shall notify the public quarterly (e.g., by the end of March, June, September, and December) by completing a public notice (PN) until the TTHM and HAA5 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).
15. Respondent shall monitor the System's water quarterly for TTHM and HAA5 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.

16. Respondent shall report monitoring results for total coliform and chlorine residuals to the EPA within the first 10 calendar days following the end of the monitoring period. 40 C.F.R. § 141.31(a).
17. 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.
18. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must 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-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
19. 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.
20. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
tyson.elizabeth@epa.gov

GENERAL PROVISIONS

21. This Order is binding on Respondent and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
22. 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.

23. 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).
24. 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: June 12, 2025.

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