

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Ward Creek Landowners Association) Docket No. SDWA-08-2024-0015
)
Respondent.) **ADMINISTRATIVE ORDER**
)
Ward Creek Landowners Association)
Public Water System)
PWS ID # WY5600850)



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. Ward Creek Landowners Association (Respondent) is a Wyoming corporation that owns and operates the Ward Creek Landowners Association Public Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is treated by sodium hypochlorite before entering the 31,500-gallon storage tank. Water is then pumped to distribution through one service pump.
4. The System has approximately 26 service connections used by year-round residents and regularly serves an average of approximately 77 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 volatile organic contaminants (VOCs) during every three-year compliance period. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System’s water for VOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement. (Note: Respondent collected VOC samples on October 9, 2023.)
8. Respondent is required to monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment during every three-year compliance period. 40 C.F.R. §§ 141.24(h)(1) and (h)(4)(iii). Respondent failed to monitor the System’s water for SOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement.

9. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment during every three-year compliance period. 40 C.F.R. §§ 141.23(a)(1) and (c)(1). Respondent failed to monitor the System's water for IOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement. (Note: Respondent collected IOC samples on October 9, 2023.)

10. 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 S to the System's customers and to the EPA and failed to provide a certification to the EPA for the 2022 CCR. Therefore, Respondent violated these requirements.

11. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead 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 three months 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 records reflect 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 and therefore violated this requirement.

12. Respondent is required to monitor the residual disinfectant level in the System's distribution system at the same time and place as total coliforms are to be sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent failed to monitor the System's water for residual disinfectant between July 1, 2022, and September 30, 2022, and between October 1, 2022, and December 31, 2022, and therefore violated this requirement.

13. 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 7-9 and 11-12, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 414. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 7-9 and 11-12, above, and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement.

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 7-12, 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 or ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

16. Respondent shall monitor the System's water for VOCs in accordance with 40 C.F.R. § 141.24(f)(5). Respondent is next required to sample for the VOCs between January 1, 2026, and December 31, 2028. Respondent shall report results to the EPA within the first 10 calendar days following the end of the month in which the results were received or, if sooner, the first 10 calendar days after the required monitoring period. 40 C.F.R. § 141.31(a).

17. 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 from this monitoring event within 10 calendar days of receipt. Additionally, Respondent shall report monitoring results from future monitoring periods within the first 10 calendar days following the end of the month in which the results were received or, if sooner, the first 10 calendar days after the required monitoring period. 40 C.F.R. § 141.31(a).

18. Respondent shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c). Respondent is next required to sample for IOCs between January 1, 2026, and December 31, 2028. Respondent shall report results to the EPA within the first 10 calendar days following the end of the month in which the results were received or, if sooner, the first 10 calendar days after the required monitoring period. 40 C.F.R. § 141.31(a).

19. Within 30 calendar days after receipt of this Order, 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 calendar year 2022 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. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

20. 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.

21. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7-9 and 11-12, above. 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>.

22. 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>.

23. 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.

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

Email: R8DWU@epa.gov, and
moore.jessica@epa.gov

GENERAL PROVISIONS

25. 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.

26. 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.

27. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (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; 88 Fed. Reg. at 89309 (December 27, 2023).

28. 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 30, 2024.

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