

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

9/12/2024

9:00 AM

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:)

Rafter J Ranch Homeowner's Association,)

Respondent.)

Rafter J Subdivision HOA)

Public Water System)

PWS ID #5600822)

Docket No. SDWA-08-2024-0044

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. Rafter J Ranch Homeowner's Association is a Wyoming non-profit corporation that owns and operates the Rafter J Subdivision HOA Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via four wells. The water is treated by a chlorine gas injection system.
4. The System has approximately 537 service connections used by year-round residents and regularly serves an average of approximately 1,500 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 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 by October 30, 2023 for the June 1 to September 30, 2023 monitoring period and failed to submit a copy of the consumer notice and certification to the EPA. Respondent therefore violated these requirements.
8. Respondent is required to collect total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System's distribution system during the month(s) of the highest disinfectant byproduct concentrations at the location(s) and on the date(s) identified in the System's monitoring plan. 40 C.F.R. §§ 141.621 and 141.622(a)(1). Respondent failed to monitor the System's water for TTHM and HAA5 in September 2023 and therefore violated this requirement.
9. 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 July 16, 2021, which detailed a significant deficiency. The EPA approved a schedule for the System to complete the corrective action by May 14, 2023. The EPA's records reflect that the Respondent failed to complete all corrective actions by May 14, 2023, and therefore violated this requirement.
10. Respondent is required to monitor the System's water monthly for total coliform

bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during December 2022 and July 2024 and therefore violated this requirement.

11. Respondent is required to monitor the System's water for certain radionuclides once every six years. 40 C.F.R. § 141.26(a). Respondent must monitor at the time designated by EPA during each six-year compliance period. 40 C.F.R. § 141.26(c)(2). The EPA notified Respondent that it must monitor the System's water for radionuclides between January 1 and December 31, 2019. Respondent failed to monitor the System's water for radionuclides between January 1 and December 31, 2019, and therefore violated these requirements.
12. 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 violation identified in paragraph 9, above, is classified as a violation 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 9 and failed to submit a copy of the public notice and certification to the EPA and therefore violated these requirements.
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 8, 10 and 11, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 10 and 11 and failed to submit a copy of the public notice and certification to the EPA and therefore violated these requirements. (Note: The deadline for public notice of the violation cited in paragraph 8 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, 9, and 11, above, to the EPA and therefore violated this requirement.

15. 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 violation listed in paragraph 10, 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):

16. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
17. Within 30 calendar days after receipt of this Order, and thereafter, no later than 30 days after the System learns of the lead tap monitoring results, Respondent shall deliver a consumer notice of individual tap results from lead tap water monitoring to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Within 45 days after receipt of this Order, and thereafter, 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). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>.
18. Respondent shall monitor the System's water annually for TTHM and HAA5 at the specific location during the month (September) identified in the System's monitoring plan during 2024, 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.
19. Within 30 calendar days after receipt of this Order, Respondent shall provide sufficient evidence to the EPA, including photographs of the corrective action, that the following significant deficiency identified in the July 16, 2021, Sanitary Survey

Report has been corrected:

- Gravity Tank ID: ST01 – Storage Tank #1 (200K) - For non-downturned vents the screen must have a solid cover down to the bottom of the vent screen to prevent rain and blown debris from entering the tank.

The evidence must also demonstrate that the following criterion has been satisfied in connection with the corrective action: for buried or partially buried tanks the distance from the ground or top of tank, whichever is lower, to the bottom of the vent cover must be two feet or more.

If within 30 days Respondent fails to demonstrate that the corrective action has been completed, the EPA will notify Respondent that further corrective action is necessary and Respondent shall, within 30 calendar days of receipt of notice from EPA, consult with the EPA regarding action to correct the significant deficiency and shall submit a proposed schedule and plan to the EPA for completion of the corrective action specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion 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).

20. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. 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. Respondent shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). Respondent is next required to sample for radionuclides between January 1 and December 31, 2029. 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 quarterly thereafter as long as the violation cited in paragraph 9, above, persists, Respondent shall notify the public of the 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/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
23. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 10 and 11, 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>.
24. 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.
25. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the

public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

26. 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.
27. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and brown.christopher.t@epa.gov

GENERAL PROVISIONS

28. This Order is binding on Respondent, Respondent's successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
29. 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.
30. 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).
31. 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: September 12, 2024.

Tiffany Cantor, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division