

**U.S. EPA REGION 8
HEARING CLERK**

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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. Lame Deer Public Schools (Respondent) is a public body that owns and/or operates the Lame Deer High School Public Water System (System), which provides piped water to the public at the Lame Deer High School within the exterior boundaries of the Northern Cheyenne Indian Reservation of the Northern Cheyenne Tribe.
3. The System is supplied by a groundwater source accessed via one well. Most of the water is treated by softening the water and adding chlorine for disinfection. Some of the water is filtered with green sand filters, is disinfected with sodium hypochlorite, passes through a carbon filter, and is then treated through reverse osmosis and UV before serving the water fountains, bottle filling stations, sample sink, and Home Economics room.
4. The System has approximately one service connection and/or regularly serves an average of approximately 260 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that regularly serves at least 25 of the same persons over six months per year and, as such, is also a “non-transient non-community” water system as defined in 40 C.F.R. § 141.2.
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 correct any sanitary defect found through either a Level 1 or 2 Assessment in compliance with an EPA-approved schedule and, further, must notify the EPA when each scheduled corrective action is completed. 40 C.F.R. § 141.859(c). The EPA’s record reflects that Respondent failed to timely correct all sanitary defects found during an assessment conducted October 14, 2022, and failed to notify the EPA of corrective action completion and therefore, violated these requirements.
8. A System is in violation of the *E. coli* maximum contaminant level (MCL) if (1) a repeat sample is *E. coli*-positive after a total coliform-positive routine sample; (2) a repeat sample is total coliform-positive after an *E. coli*-positive routine sample; (3) it fails to take all required repeat samples following an *E. coli*-positive routine sample; or (4) it fails to test for *E. coli* when a repeat sample tests positive for total coliform. 40 C.F.R. 141.860(a). During the month of October 2022, a routine sample result from October 6, 2022 was total coliform positive (TC+) and *E. coli* positive (EC+) and only one repeat result was collected, from the distribution system, instead of the three that were required, and therefore, Respondent violated this requirement. (Note: The violation returned to compliance on November 3, 2022.)
9. If the System does not treat its water to meet at least a 4-log, 99.9% removal of viruses, Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. Respondent must sample each groundwater source and have it analyzed for a fecal indicator (e.g., *E. coli*). 40 C.F.R. § 141.402. Respondent failed to monitor the System’s source for a fecal indicator within 24 hours after being notified on October 11, 2022, that a sample taken on October 6, 2022, was analyzed as total coliform positive, and therefore violated this requirement. 40

C.F.R. § 141.402. (Note: The violation returned to compliance on October 19, 2022.)

10. 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 on July 11, 2023, and August 16, 2023, and therefore, violated this requirement. (Note: The violations returned to compliance on December 7, 2023.)
11. Respondent is required to monitor the System's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Respondent is required to collect at least five samples every three years during the monitoring period of June 1-September 30. 40 C.F.R. §§141.86(c) and (d). In 2022, Respondent failed to collect the required samples and therefore, violated this requirement. (Note: The respondent collected the required samples and violation returned to compliance on December 7, 2023.)
12. 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 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 by the required deadline 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. (Note: The Respondent conducted the required notice and submitted a copy to EPA on March 28, 2024).
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 paragraph 7, above, are classified as violations 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 7 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 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 9-11, 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 9-11 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
15. 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, 9-13, 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 of receipt of this Order, Respondent shall consult with the EPA regarding implementation of necessary corrective actions and submit to the EPA a schedule for completion of all corrective actions. Upon written approval by the EPA, the-approved schedule (Schedule) shall be incorporated into this Order as an enforceable requirement. 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 to the EPA including photographs of the corrective actions. Thereafter, Respondent shall comply with all provisions of 40 C.F.R. § 141.859(c) regarding any identified sanitary defects at the System.

Corrective Actions:

- **3.6a/3.6b** Report back to EPA the cause of the storage tank surging and how it was resolved.
 - **4.15** Inform EPA if telemetry will be installed on the storage tank.
 - **5.11** Confirm that the water flow and treatment units are synchronized.
18. 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.
19. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 7, above, persists, Respondent shall notify the public of this 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>.
20. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 9-11, 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>.
21. If the population or number of connections served by the System falls below 25 individuals, 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>.

22. 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.
23. 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

24. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
25. 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.
26. 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).
27. 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: November 20, 2024.

Emilio Llamozas, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division