

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2025-0007
Kemmerer-Diamondville Joint)	
Powers Board,)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Kemmerer-Diamondville Joint Powers)	
Board Public Water System)	
PWS ID #WY5600028)	

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. Kemmerer-Diamondville Joint Powers Board is a public body created by or pursuant to Wyoming law that owns and operates the Kemmerer-Diamondville Joint Powers Board Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a surface water source accessed via an intake on the New Hams Fork River with treatment provided via membrane filtration.
4. The System has approximately 1440 service connections used by year-round residents and regularly serves an average of approximately 3,348 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).

VIOLATIONS

6. The maximum contaminant level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/L), 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 based upon the average of the current sampling event and three consecutive previous sampling events at each required sampling location. The LRAA at sampling location S2-1072FOSSK resulted in three MCL violations: 0.094 mg/L for 1st quarter 2024; 0.092 mg/L for 2nd quarter 2024; and 0.09 mg/L for 3rd quarter 2024. The LRAA at sampling location S2-435US189D resulted in two MCL violations: 0.085 mg/L for 2nd quarter 2024 and 0.086 mg/L for 3rd quarter 2024. Therefore, Respondent violated this requirement.

7. The maximum contaminant level (MCL) for haloacetic acids (HAA5) is 0.060 milligrams per liter (mg/L), 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, calculated based on the average of the current sampling event and three previous sampling events at each required sampling location, at sampling location S2-1072FOSSK was 0.064 mg/L in 1st quarter 2024 and 0.064 mg/L in 2nd quarter 2024, and therefore, Respondent violated this requirement. (Note: Respondent did achieve compliance with the LRAA for HAA5s on July 8, 2024.)
8. 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 6 and 7, 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):

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

such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline. Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's Schedule.

Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

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 MCL. 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).

Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.

The System shall achieve compliance with the TTHM MCL 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.

11. Respondent shall notify the public quarterly by completing a public notice (PN) until the TTHM 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). 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>. (Respondent posted a public notice on August 12, 2024).
12. 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.

13. 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.
14. 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

15. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
16. 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.
17. 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).
18. 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: December 12, 2024.

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