

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Town of Albin,) Docket No. SDWA-08-2024-0019
)
Respondent.) **ADMINISTRATIVE ORDER**
)
Town of Albin Public Water System)
PWS ID #WY5600189)



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 Albin, Wyoming (Respondent), is a municipality that owns and operates the Town of Albin Public Water System (System), which provides piped water to the public in Laramie County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via four wells (Well #2, Well #3, West Well #5, and East Well #6). The water is treated with sodium hypochlorite at the well houses. A sand separator is used in association with West Well #5 and East Well #6. The System also includes one 25,000-gallon gravity storage tank (ST01) and one 100,000-gallon gravity storage tank (ST02).
4. The System has approximately 85 service connections used by year-round residents and regularly serves an average of approximately 181 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 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). The EPA sent Respondent a sanitary survey report dated January 30, 2023, which detailed significant deficiencies. The EPA approved a corrective action schedule to complete corrective actions by August 2, 2023. The EPA’s record reflects that Respondent failed to complete all corrective actions by August 2, 2023, and failed to notify the EPA of corrective action completion by August 2, 2023 and therefore violated these requirements.
8. 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 by July 1, 2023 for calendar 2022 to the System's customers and to the EPA and failed to provide a certification by October 1, 2023, to the EPA for 2022. Therefore, Respondent violated these requirements. Respondent subsequently provided the 2022 CCR and certification to EPA on November 8, 2023.

9. 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 to the persons served at each sampled site by October 30, 2021, for the June 1 to September 30, 2021 monitoring period and failed to submit a copy of the consumer notice and certification to the EPA by December 29, 2021, and therefore violated this requirement. A lead consumer notice certification form for the June 1 to September 30, 2021 monitoring period was submitted to EPA on March 31, 2023. However, EPA determined that the submission was incomplete and was not done correctly.

10. Respondent is required to take a confirmation sample within 24 hours of notification of nitrate analytical results that indicate the System's water exceeds the nitrate maximum contaminant level (MCL) of 10 mg/L. 40 C.F.R. 141.62 and 141.23(f)(2). Systems unable to comply with the 24-hour sampling requirement must immediately notify the consumers served by the System in accordance with 40 C.F.R. 141.202 and meet other Tier 1 public notification requirements under subpart Q. 40 C.F.R. 141.23(f)(2). Respondent failed to take a confirmation sample within 24 hours of being notified on March 23, 2023, that the System's March 15, 2023, nitrate sample result of 10.4 mg/L exceeded the MCL and therefore violated this requirement. A confirmation sample was subsequently collected on April 6, 2023.

11. Respondent is required by 40 C.F.R. § 141.23(d) to monitor quarterly for nitrate (the quarterly monitoring requirement having been triggered prior to 2023 by a sample result exceeding 50% of the nitrate MCL of 10 milligrams per liter (mg/l), with no intervening period of four consecutive quarters with levels under 5 mg/l). Respondent failed to monitor for nitrate in the third and fourth quarters of 2023 and therefore violated this requirement.

12. 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 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.

a. The violation identified in paragraph 10, above, is classified as a Tier 1 violation, requiring public notice within 24 hours, according to 40 C.F.R. § 141.202. The EPA's records reflect that Respondent failed to include required elements under 40 C.F.R. § 141.205 in the March 24, 2023 Tier 1 Public Notice

and failed to submit a copy of the public notice and certification to the EPA within 10 calendar days after providing public notice on March 24, 2023 and therefore violated §§ 141.205 and 141.31(d).

b. 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 Respondent failed to notify the public of the violations cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement.

c. The violations identified in paragraph 11, above, are classified as violations requiring Tier 3 public notice within one year, according to 40 C.F.R. § 141.204. The deadline for public notice of the violations cited in paragraph 11 has not yet passed.

14. 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 12, above, 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, 8, 9, 10, 11, and 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 after receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. Unless an alternative date is approved by the EPA in an approved schedule, all significant deficiencies specified below shall be corrected within 120 days after Respondent's receipt of this Order. Any schedule EPA approves 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 taking each corrective action listed below, 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).

Corrective Actions:

- Gravity Tank ID: ST01 - Tank 25K, Small - The air vent must be inspected, and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities.

- Gravity Tank ID: ST02 - Tank 100K, Large - The air vent must be inspected, and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities.

In order to correct these significant deficiencies Respondent must provide EPA with the following documentation:

- A completed copy of the Unknown Integrity Checklist, a blank copy of which is being provided with this Order.
- A copy of the inspection report. The inspection report must describe the condition of each specified tank component and include photographs.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the inspection report and may require additional corrective actions.

18. For each calendar year, Respondent shall prepare and distribute a CCR by July 1st of the following year to the EPA and to the System's customers and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.

19. Within 30 calendar days after Respondent's receipt of this Order, and thereafter no later than 30 days after the System learns of the 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 Respondent's 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>.

20. Within 30 calendar days after receipt of this Order, and quarterly thereafter until notified by the EPA in writing of a different monitoring schedule, Respondent shall monitor the System's water for nitrate in accordance with 40 C.F.R. § 141.23(d)(2). Respondent shall take all confirmation samples required by 40 C.F.R. § 141.23(f). 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 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).

22. Within 30 calendar days after receipt of this Order, Respondent shall (1) complete a Tier 1 Public Notice for the violation cited in paragraph 10 above, including all the elements required at 40 C.F.R. § 141.205 for "Nitrate Failure to Take a Confirmation Sample Notice" using the attached Template 1-2 form and (2) distribute the Tier 1 Public Notice to users served by the System in the form and manner required at 40 C.F.R. § 141.202(c). In this case, the public notice should explain that the earlier public notice made by Respondent on March 24, 2023 did not adequately describe the situation that occurred because it was missing required elements that the public notice should have contained.

Town of Albin

Town of Albin Public Water System, ECN: 600.0216.2024_Albin

Page 5 of 6

23. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 7 above, persists, Respondent shall notify the public of this violation.

24. 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>.

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. 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.

27. 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.

28. 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

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

30. 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.

31. 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 89312 (December 27, 2023).

Town of Albin
Town of Albin Public Water System, ECN: 600.0216.2024_Albin
Page 6 of 6

32. 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: February 21, 2024.

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