

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

Aug 19, 2024

4:27 pm

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:)
)
ExxonMobil Production Company) Docket No. SDWA-08-2024-0039
)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
)
ExxonMobil – Shute Creek Gas Plant)
Public Water System)
PWS ID #WY5600919)

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. ExxonMobil Production Company (Respondent) is a New Jersey company that owns and operates the ExxonMobil – Shute Creek Gas Plant 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 infiltration gallery below the Green River. The water is pumped to the Shute Creek facility where it is filtered by one of three multimedia pressure filters. After the pressure filters, water is stored in two 20,000-gallon water tanks. It is then pumped through two carbon filters and two bag filters before being injected with sodium hypochlorite for disinfection.
4. The System has approximately 11 service connections and regularly serves an average of approximately 250 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. 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 of samples at sampling location Annex II was 0.082 mg/L during fourth quarter 2023 and 0.088 mg/L during first quarter 2024 and therefore, Respondent violated this requirement.
8. The MCL for haloacetic acids (HAA5) is 0.060 mg/L, based on the LRAA of four consecutive quarterly samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d). The LRAA of samples at sampling location Annex II was 0.077 mg/L during second quarter 2023, 0.077 mg/L during third quarter 2023, 0.075 mg/L during fourth quarter 2023, and 0.075 mg/L during first quarter 2024, and therefore, Respondent violated this requirement.
9. The System’s combined filter effluent turbidity may at no time exceed 5 Nephelometric Turbidity Unit (NTU). 40 C.F.R. § 141.551(b). The System’s combined filter effluent turbidity exceeded 5 NTU on September 16, 2021, and Respondent, therefore, violated this requirement. (Note: The system returned to compliance with combined filter effluent turbidity requirements on September 16, 2021).
10. The System’s combined filter effluent turbidity may not exceed 1 NTU in more than 5% of the System’s combined filter effluent turbidity measurements each month. 40 C.F.R. § 141.551(a). The System’s combined filter effluent turbidity exceeded 1 NTU in more than 5% of the system’s monthly turbidity measurements during April 2023 and Respondent, therefore, violated this requirement. (Note: The System returned to compliance with combined filter effluent turbidity requirements on June 5, 2023).

11. Respondent failed to monitor the System’s water for total trihalomethanes (TTHM) and haloacetic acids (HAA5) during the October 1 through December 31, 2022, monitoring period and therefore, violated this requirement. (Note: The System monitored for TTHM and HAA5 during the April 1 through June 30, 2023, monitoring period).
12. 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 through 11, 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):

13. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
14. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule and plan to bring the System into compliance with the TTHM and HAA5 MCL as identified in 40 C.F.R. § 141.62(b).
 - a) The plan shall include proposed modifications to the System and estimated costs of such modifications.
 - b) The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent’s Schedule (Schedule).
 - c) Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
 - d) 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 and HAA5 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).

- e) Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.
15. The System shall achieve compliance with the TTHM and HAA5 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.
 16. Respondent shall ensure that the System's combined filter effluent turbidity will at no time exceed 5 NTU, as required by 40 C.F.R. § 141.551(b). If at any time the System's combined filter effluent turbidity exceeds 5 NTU, Respondent shall consult with the EPA within 24 hours of learning of the violation, as required by 40 C.F.R. § 141.203(b)(3), to determine whether the Respondent will need to provide Tier 1 public notice as described in 40 C.F.R. § 141.202. If at any time the System's combined filter effluent turbidity exceeds 5 NTU but Respondent does not consult with the EPA within 24 hours of learning of the violation, Respondent must distribute a Tier 1 public notice as described in 40 C.F.R. § 141.202 no later than 48 hours of learning of the violation.
 17. Respondent shall ensure that the System's combined filter effluent turbidity will not exceed 1 NTU in more than 5% of the System's turbidity measurements, as required by 40 C.F.R. § 141.551(a).
 18. Between October 1 and December 31, 2024, and thereafter as directed by the EPA, Respondent shall monitor the System's water for TTHM and HAA5 in accordance with the System's TTHM and HAA5 monitoring plan, as required by 40 C.F.R. §§ 141.621-623. 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. 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.

20. Respondent shall notify the public quarterly by completing a public notice (PN) until the TTHM and HAA5 MCL violation is 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).
21. If the population 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
brookins.rachel@epa.gov

GENERAL PROVISIONS

24. 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.
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: August 19, 2024.

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