

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF:	)	
	)	Docket No. SDWA-08-2022-0010
Town of Jackson	)	
	)	<b>ADMINISTRATIVE ORDER</b>
Respondent.	)	
	)	
Town of Jackson Public Water System	)	
<u>PWS ID #WY5600213</u>	)	

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 Jackson, Wyoming (Respondent) is a municipality that owns and operates the Town of Jackson 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 seven wells. Four of the source wells utilize chlorination for disinfection at each well site, while water from the other three wells is disinfected at a common treatment facility. Each treatment facility utilizes chlorine gas disinfection as well as the addition of polyphosphate for manganese control (sequestration) to prevent staining of plumbing fixtures.
4. The System has approximately 3500 service connections used by year-round residents and regularly serves an average of approximately 8000 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 monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment for a minimum of two quarterly samples in one year during each repeat three-year compliance period. 40 C.F.R. § 141.24(h)(4)(ii). Respondent failed to monitor the System’s water for the second quarterly SOC sample for the January 1, 2017 to December 31, 2019 monitoring period, and therefore, violated this requirement.

8. For each calendar year, Respondent is required, no later than July 1<sup>st</sup> 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 for calendar year 2017 by July 1, 2018, to the System's customers and to the EPA and failed to provide a certification to the EPA for 2017 by October 1, 2018. Therefore, Respondent violated these requirements. Respondent submitted the 2017 CCR on September 10, 2018, and the 2017 CCR certification on December 14, 2018.

9. 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 7, above, is classified as violation requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that 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.

10. Respondent is required to report any failure to comply with any 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 violation cited in paragraph 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):

11. Within 30 calendar days after receipt of this Order, Respondent shall monitor the System's water for the second quarterly set of SOCs in accordance with 40 C.F.R. § 141.24(h)(4)(ii). Respondent shall monitor the System's water as required by Part 141 thereafter. 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).

12. For each calendar year, Respondent shall prepare and distribute a CCR by July 1<sup>st</sup> of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.

13. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7, 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/dwreginfo/public-notification-templates-community-and-non-transient-non-community-water-systems>.

14. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.

15. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

16. 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.

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

Email: R8DWU@epa.gov, and latino.steven@epa.gov

### **GENERAL PROVISIONS**

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

19. 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.

20. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative penalty of up to \$62,689 (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; 87 Fed. Reg. at 1679 (January 12, 2022).

21. 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: March 4, 2022.

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