

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
12/14/2023
8:53 AM
U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0009
Town of Cokeville,)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
Town of Cokeville Public Water System)
PWS ID #WY5600015)

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 Cokeville, Wyoming (Respondent), is a municipality that owns and operates the Town of Cokeville 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 groundwater source under the direct influence of surface water accessed via two wells. The water is disinfected with chlorine gas.
4. The System has approximately 184 service connections used by year-round residents and regularly serves an average of approximately 535 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. Public water systems supplied by a ground water source under the direct influence of surface water are subject to the filtration and disinfection requirements of 40 C.F.R. Part 141, Subpart H. The EPA determined that the System’s source is under the direct influence of surface water, and the EPA notified Respondent in an August 11, 2020, letter that Respondent must install filtration at Well #2, in accordance with 40 C.F.R. § 141.73, by February 11, 2022. The EPA’s records reflect that Respondent failed to install filtration at Well #2 by February 11, 2022, and therefore violated this requirement.
8. Public water systems supplied by a ground water source under the direct influence of surface water are subject to the filtration and disinfection requirements of 40 C.F.R. Part 141, Subpart H. If the

EPA determines that filtration is required, the system must comply with any interim disinfection requirements the EPA deems necessary before filtration is installed. 40 C.F.R. § 141.72. The EPA determined that due to the high risk of surface water influence at Well #2, the System must initiate the interim disinfection measure of routine chlorine residual monitoring to demonstrate consistent maintenance of a 0.2 milligram per liter (mg/L) chlorine residual throughout the distribution system, with measurements taken at the same time and location as Revised Total Coliform Rule (RTCR) compliance samples (see 40 C.F.R. Part 141, Subpart Y). The EPA notified Respondent of this interim requirement in its August 11, 2020, letter. In April and June 2021, the System reported a chlorine residual level of less than 0.2 mg/L in samples collected at the same time and location as the monthly RTCR samples. Respondent therefore violated the EPA's interim requirement and 40 C.F.R. § 141.72. (Note: Respondent reported adequate chlorine residual levels from August 2021 to present.)

9. Respondent is required to collect total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System's distribution system during the month(s) of the highest disinfectant byproduct concentrations at the location(s) and on the date(s) identified in the System's monitoring plan. 40 C.F.R. §§ 141.621, 141.622(a)(1). Pursuant to its monitoring plan, Respondent is required to collect TTHM and HAA5 samples each August. Respondent failed to monitor the System's water for TTHM and HAA5 during August 2019 and therefore violated this requirement. (Note: Respondent collected the required TTHM and HAA5 samples in August 2020, 2021, 2022, and 2023.)

10. Under 40 C.F.R. § 141.859, Respondent is required to conduct an assessment of the System in the event of certain triggering events, to correct any sanitary defect found through such an assessment in compliance with an EPA-approved schedule, and to notify the EPA when each scheduled corrective action is completed. On the basis of a July 10, 2020 Level 2 assessment, the EPA approved a schedule requiring Respondent, no later than September 2, 2020, to correct all sanitary defects found by that assessment. Respondent failed to correct all sanitary defects by September 2, 2020, and failed to notify the EPA of any completed corrective actions. Respondent therefore violated 40 C.F.R. § 141.859(c). (Note: Respondent corrected all sanitary defects and notified the EPA of the completed corrective actions on December 23, 2020.)

11. Respondent was required to monitor the System's water annually for lead and copper, between June 1 and September 30 of each year. 40 C.F.R. § 141.86(d). Respondent failed to collect the required number of samples of the System's water between June 1 and September 30, 2020, and therefore violated 40 C.F.R. §§ 141.86(c) and (d). (Note: Respondent collected 9 of the 10 required samples between June 1 and September 30, 2020, and collected the one outstanding sample on October 19, 2020. Respondent was required to collect lead and copper samples every six months beginning in 2021. Respondent collected the required number of lead and copper samples during the January 1 through June 30, 2021, and the July 1 through December 31, 2021, monitoring periods.)

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). No later than 3 months 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 records reflect that Respondent failed to deliver a consumer notice to the persons served at each sampled site and failed to submit a copy of the consumer notice and certification to the EPA for the samples collected during the June 1 through September 30, 2020, and July 1 through December 31, 2021, monitoring periods by the required deadlines and therefore violated this requirement. (Note: Respondent submitted copies of the consumer notices and certifications to the EPA on March 19, 2021, and August 10, 2022, respectively.)

13. 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 at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for SOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement. (Note: Respondent collected the required SOC samples on April 16, 2023.)

14. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment during every 3-year compliance period. 40 C.F.R. §§ 141.23(a) and (c). Respondent failed to monitor the System's water for IOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement. (Note: Respondent collected the required IOC samples on April 16, 2023.)

15. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) during every 3-year compliance period. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for VOCs between January 1, 2020, and December 31, 2022, and therefore violated this requirement. (Note: Respondent collected the required VOC samples on April 16, 2023.)

16. For each calendar year, Respondent is required to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers no later than July 1 of the following year. Within 3 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 2019 to the System's customers and to the EPA and failed to provide a certification to the EPA for the 2019 CCR within the required deadlines. Therefore, Respondent violated these requirements. (Note: Respondent provided a copy of the 2019 CCR report and the certification of the 2019 CCR to the EPA on February 22, 2021.)

17. Respondent is required to notify the public of certain violations of Part 141 and, within 10 days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d), 141.201-141.211. The violations identified in paragraphs 8 and 10, above, are classified as violations requiring Tier 2 public notice within 30 days, according to 40 C.F.R. § 141.203.

The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 8 and 10 and failed to submit a copy of the public notice and certification to the EPA. Respondent therefore violated these requirements.

18. 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, 14, 15, and 16, 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 and 11 and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement. (Note: The deadline for public notice of the violations cited in paragraphs 13, 14, and 15 has not yet passed.)

19. 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 7-11 and 13-15, 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):

20. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above, unless specifically provided otherwise below.

21. Within 30 calendar days after receipt of this Order, Respondent shall provide the EPA with a plan and schedule for Respondent to come into compliance with 40 C.F.R. Part 141, Subparts H and T, either by meeting the filtration and disinfection requirements that apply to each source that is surface water or groundwater determined to be under the direct influence of surface water, or by switching permanently to an alternate source of water that is not subject to these requirements. The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with 40 C.F.R. Part 141, Subparts H and T. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 24 months from the date of the EPA's approval of the schedule). The schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

22. The schedule required by paragraph 21, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA.

- a. Within 30 calendar days after receipt of the EPA's approval of the schedule required by paragraph 21, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. Part 141, Subparts H and T. Each quarterly report is due by the 10th calendar day of the month following the end of the relevant quarter.
- b. Respondent must achieve and maintain compliance with 40 C.F.R. Part 141, Subparts H and T, by the final date specified in the approved schedule, or no later than 24 months after receipt of the EPA's approval of the schedule required by paragraph 21, above, whichever is earliest. Respondent must meet that deadline even if the system does not achieve compliance. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

23. Respondent shall comply with the EPA's interim disinfection requirement to maintain a minimum chlorine residual of at least 0.2 mg/L throughout the distribution system until filtration is installed. 40 C.F.R. § 141.72.

24. If another assessment is triggered under 40 C.F.R. § 141.859, Respondent shall complete all corrective actions for sanitary defects in compliance with a schedule approved by the EPA. Within 10 days after completing a corrective action for each sanitary defect, Respondent shall notify the EPA of the project's completion and provide documentation, including photographs and a narrative description, of the correction to the EPA. Thereafter, Respondent shall comply with all provisions of 40 C.F.R. § 141.859(c) regarding any future identified sanitary defects at the System.

25. Respondent shall monitor the System's water for lead and copper between June 1 and September 30, 2024, collecting 10 samples during each sampling event, unless directed otherwise by the EPA. 40 C.F.R. §§ 141.86(c) and (d). Within 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving 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 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).

26. Respondent shall monitor the System's water annually for TTHM and HAA5 at the specific location during the month identified in the System's monitoring plan, as required by 40 C.F.R. §§ 141.620-141.622. 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.

27. Within 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 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>.
28. Respondent shall monitor the System's water for SOCs as required by Part 141. Respondent is next required to sample for SOCs between January 1, 2026, and December 31, 2028. 40 C.F.R. § 141.24(h). 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).
29. Respondent shall monitor the System's water for IOCs as required by 40 C.F.R. §§ 141.23(a) and (c). Respondent is next required to sample for IOCs between January 1, 2026, and December 31, 2028. 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).
30. Respondent shall monitor the System's water for VOCs as required by Part 141. Respondent is next required to sample for VOCs between January 1, 2026, and December 31, 2028. 40 C.F.R. § 141.24(f)(5). 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).
31. For each calendar year, Respondent shall prepare and distribute a CCR by July 1st of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.
32. 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.
33. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 8 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>.

Town of Cokeville

Town of Cokeville Public Water System, ECN: 600.0208.2024_Cokeville

Page 7 of 7

34. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 9, 10, and 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>. The deadline for public notice of the violations cited in paragraphs 13, 14, and 15 has not yet passed. The deadline for public notice of these violations is December 31, 2023.

35. 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.

36. 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

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

38. 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.

39. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$67,544 (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 989 (January 6, 2023).

40. 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 14, 2023.

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