



REGION 3
PHILADELPHIA, PA 19103

FILED
Apr 16, 2026
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U.S. EPA REGION 3
HEARING CLERK

In the Matter of:	:
	:
City of Paden City Public Water System	:
208 W Main Street	:
Paden City, West Virginia 26159	:
	:
Respondent.	:
	:
PWS ID No. WV3305204	:
	:
System.	:
	:

ADMINISTRATIVE ORDER ON CONSENT
PURSUANT TO 42 U.S.C. § 300g-3(g)
Dkt. No. SDWA-03-2026-0016DS
Proceeding under Section 1414(g) of the
Safe Drinking Water Act, as amended,
42 U.S.C. § 300g-3(g)

I. STATUTORY AUTHORITY

1. The United States Environmental Protection Agency, Region 3 (“EPA”) makes the following findings of fact and conclusions of law below and issues this Administrative Order on Consent (“Order”) pursuant to the authority vested in the Administrator of EPA under Section 1414(g) of the Safe Drinking Water Act (“SDWA” or “Act”), 42 U.S.C. § 300g-3(g). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Acting Director, Enforcement and Compliance Assurance Division, Region 3.

II. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW

- 2. Section 1414(g)(1) of the SDWA, 42 U.S.C. 300g-3(g)(1), provides that, “[in] any case in which the Administrator is authorized to bring a civil action under this section . . . with respect to any applicable requirement, the Administrator also may issue an order to require compliance with such applicable requirement.”
- 3. Section 1414(i)(4) of the SDWA, 42 U.S.C. 300g-3(i)(4), defines “applicable requirement” as “a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 300g-2 of this title [Section 1413] have been satisfied, or an applicable State program approved pursuant to this part.”
- 4. In accordance with Section 1411 of SDWA, 42 U.S.C. § 300g, national primary drinking water regulations shall apply to each Public Water System (“PWS”) in each state. *See also* 40 C.F.R. § 141.3.

5. A “Public Water System,” or “PWS” is defined in Section 1401(4)(A) of SDWA, 42 U.S.C. § 300f(4)(A), as, “a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.”
6. A “Community Water System” or “CWS” is defined in Section 1401(15) of SDWA, 42 U.S.C. § 300f(15), as a PWS that serves at least fifteen service connections used by year-round residents or that regularly serves at least twenty-five year-round residents.
7. Section 1414(a)(1)(A) of the Act, 42 U.S.C. § 300g-3(a)(1)(A), provides that whenever the Administrator finds during a period during which a State has primary enforcement responsibility for public water systems that any public water system for which a variance under Section 1415 of the Act, 42 U.S.C. §300g-4, or an exemption under Section 1416 of the Act, 42 U.S.C. §300g-5, is not in effect, does not comply with any applicable requirement, the Administrator shall so notify the State and such public water system and provide such advice and technical assistance to such State and public water system as may be appropriate to bring the system into compliance with the requirement by the earliest feasible time.
8. Section 1414(a)(1)(B) of the Act, 42 U.S.C. § 300g-3(a)(1)(B), provides that if, beyond the thirtieth day after the Administrator’s notification under Section 1414(a)(1)(A) of the Act, 42 U.S.C. § 300g-3(a)(1)(A), the State has not commenced appropriate enforcement action, the Administrator shall issue an order under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with such applicable requirement or the Administrator shall commence a civil action under subsection (b).
9. The State of West Virginia has primary enforcement responsibility for public water systems pursuant to the EPA’s final determination that the State has met the requirements of Section 1413 of the Act, 42 U.S.C. § 300g-2, and 40 C.F.R. § 142.10, effective March 1, 1978.
10. West Virginia’s regulations relating to public water systems are located under West Virginia Code of State Rules Title 64 (West Virginia Department of Health and Human Resources, including, but not limited to Series 15 (Cross-Connection Control and Backflow Prevention, §§ 64-15-1 to 64-15-11) and Series 77 (Public Water Systems Design Standards, §§ 64-64-77-1 to 64-77-12)) and West Virginia Code of State Rules Title 150, Series 7 (Public Service Commission, Rules for the Government of Water Utilities, §§ 150-7-1 to 150-7-12). These regulations are “applicable requirements” per the State Program.
11. The City of Paden City Public Water System (“Respondent”) is a public water utility organized and operating under the laws of the State of West Virginia and as such, is a “person” as that term is defined in Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
12. Respondent is the owner and operator of the City of Paden City Public Water System, Identification Number WV3305204, located at 208 West Main Street, Paden City, West Virginia, 26159 (“the System”).

13. Respondent is a “supplier of water” as defined by Section 1401(5) of SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
14. The System provides water from a ground water source. The System serves a population of approximately 2,985 people year-round and has 1,293 service connections. Therefore, the System is a CWS, as defined by Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15) and 40 C.F.R. § 141.2.
15. The System is classified by the West Virginia Department of Health (“WVDH”) as a Class II treatment plant.
16. Paden City obtains drinking water from public water supply wells that have been found to be impacted by tetrachloroethylene (“PCE”).
17. The System exceeded the maximum contaminant level (“MCL”) for PCE for consecutive quarterly monitoring periods from October 1 to December 31, 2018, January 1 to March 31, 2019, April 1 to June 30, 2019, July 1 to September 30, 2019, and October 1 to December 31, 2019. EPA’s MCL for PCE is 0.005 milligrams per liter (“mg/L”).
18. On March 13, 2020, WVDH issued an Administrative Order to the System, Administrative Order EE-20-01, for violations including, but not limited to, failure to maintain a running annual average concentration below the MCL for PCE. The Administrative Order required Respondent to install treatment to reduce PCE concentrations in the finished drinking water to levels below the MCL.
19. The System installed an air stripper water treatment system to remove PCE in May 2020.
20. The Paden City Groundwater Site was proposed to the EPA’s Superfund program’s National Priorities List in September 2021 and was added to the National Priorities List in March 2022.
21. On August 26, 2023, the WVDH issued Administrative Order EE-23-10 A-1 to the System for failure to meet the MCL for PCE for the monitoring period of July 1 to September 30, 2023. The Order requirements included, but were not limited to, providing a flushing plan, Emergency Response Plan, and operation and maintenance logs associated with maintenance of the air stripper for PCE removal, as well as conducting sampling for PCE at the entry point to the distribution system every seven calendar days, and installing an hour meter on the air stripper to ensure it is operational. The August 26, 2023 Administrative Order also requires the System to consult with WVDH prior to making any treatment changes at the treatment plant.
22. From March 25 through 27, 2024, EPA Region 3 conducted an announced inspection of the System (“the Inspection”) to determine compliance with the SDWA and West Virginia drinking water regulations. The Inspection was conducted under the authority of Section 1445 of the SDWA, 42 U.S.C. § 300j-4.

23. During the March 25 through March 27, 2024 Inspection, a sanitary survey was also conducted by the WVDH Office of Environmental Health Services (“OEHS”).
24. The EPA provided an inspection report to Respondent on May 21, 2024, detailing the findings of the March 2024 inspection.
25. On April 7, 2025, the EPA issued a Notice of Violation (“NOV”) (Dkt. No. SDWA-03-2025-002_VS) to Respondent for violating certain provisions of SDWA, the National Primary Drinking Regulations, and the implementing State regulations. Prior to issuance of the NOV, the EPA conferred with WVDH.
26. On March 31, 2025, the EPA provided the State of West Virginia, through the WVDH, notice of the issuance of the NOV, pursuant to Section 1414(a)(1)(A) of the Act, 42 U.S.C. § 300g-3(a)(1)(A). The State of West Virginia has not commenced appropriate enforcement action in response to the EPA’s notice.
27. Pursuant to Section 1414(a)(1)(B) of the Act, 42 U.S.C. § 300g-3(a)(1)(B), “the Administrator shall issue an order under [1414(g), 42 U.S.C. § 300g-3(g)] requiring the public water system to comply with such applicable requirement . . .” if the State has not commenced appropriate enforcement action beyond the thirtieth day after the EPA’s notice.
28. Pursuant to Section 1414(g)(2) of SDWA, 42 U.S.C. § 300g-3(g)(2), the EPA has provided the WVDH, an opportunity to confer with the Agency regarding the Order.
29. Pursuant to Section 1414(g)(2) of SDWA, 42 U.S.C. § 300g-3(g)(2), a copy of this Order will be provided to the WVDH.
30. Respondent City of Paden City Public Water System (“Paden City” or “the System”) has agreed to the issuance of this Order.

Count 1: Failure to Properly Maintain Air Stripper

31. The preceding paragraphs are incorporated herein by reference.
32. Pursuant to W. Va. Code R. § 150-7-7.1.1. Construction and maintenance of plant, “A utility shall at all times construct and maintain its entire plant and system in such condition that it will furnish safe, adequate and continuous service.”
33. The System has an EZ-Tray Air Stripper system (“air stripper”). In its March 13, 2020 Administrative Order (EE-20-01), WVDH required the System to install an air stripper to address exceedances of the PCE MCL. The air stripper is intended to remove PCE and other volatile organic compounds from the raw water impacted by the PCE contamination. The air stripper must operate to ensure that the raw water is sufficiently treated for PCE contamination.

34. Respondent failed to perform sufficient regular preventative maintenance and cleaning of the air stripper to ensure continuous service at the System. During the Inspection, the EPA inspector observed:
- a. That the System did not perform regular preventative maintenance of the air stripper, including routine inspections and service;
 - b. System operators could not explain what preventative maintenance is needed, other than cleaning the system's trays, to ensure continuous and effective operation of the air stripper;
 - c. Respondent was not cleaning the air stripper on a frequency recommended by the manufacturer;
 - d. Respondent was not monitoring performance of the unit (i.e. pressures) to determine when cleaning and other preventative or corrective maintenance of the air stripper is needed; and
 - e. Respondent was not diluting the cleaning solution for the air stripper in a ratio recommended by the manufacturer.
35. On February 5, 2026, Respondent provided a standard operating procedure ("SOP") for the air stripper to EPA.
36. Failure to properly maintain the air stripper compromises the ability of Respondent's System to furnish safe, adequate and continuous service, and is a violation of W. Va. Code R. § 150-7-7.1.1 and the SDWA.

Count 2: Failure to Maintain System to Ensure the Provision of Safe, Adequate, and Continuous Drinking Water Service

37. The preceding paragraphs are incorporated herein by reference.
38. Pursuant to W. Va. Code R. § 150-7-7.1.1. Construction and maintenance of plant, "A utility shall at all times construct and maintain its entire plant and system in such condition that it will furnish safe, adequate and continuous service."
39. On July 19, 2023, Respondent collected a finished water sample (i.e., after the treatment process) that showed 0.0303 mg/L for PCE (the MCL is 0.005 mg/L). Based on this sample result, WVDH determined that Respondent violated the MCL for PCE during the July 1 to September 30, 2023 monitoring period and issued a State Notice of Violation on August 16, 2023.
40. Paden City issued a "Do Not Consume" notice to customers on August 16, 2023 due to the PCE result above the MCL.
41. The exceedance of the PCE MCL occurred due to the air stripper being bypassed during a power outage. The air stripper was not connected to a backup power source and was therefore inoperable during the power outage.

42. During the Inspection, EPA observed that the air stripper at the System was not connected to a backup power source. EPA observed that there is an emergency generator at the System, however the air stripper was not connected to the emergency generator. Therefore, in the event of a power outage, the air stripper would not remove PCE from the finished drinking water, and the Respondent would be unable to furnish safe, adequate, and continuous service to customers.
43. On January 16, 2026, Respondent provided an invoice dated October 15, 2025 documenting the connection of the air stripper to the emergency generator.
44. During the Inspection, EPA also observed that the emergency generator that provides power to the treatment plant has not been regularly exercised (i.e., tested) under load which may make it less reliable and could inhibit Respondent's ability to furnish safe, adequate and continuous service.
45. From at least May 2020 to present, Respondent failed to maintain its entire plant and system in such condition that it would furnish safe, adequate and continuous service by failing to perform regular maintenance of the emergency generator, including exercising the generator under load, in violation of W. Va. Code R. § 150-7-7.1.1 and the SDWA.

Count 3: Failure to Ensure for Continuous Disinfection

46. The preceding paragraphs are incorporated herein by reference.
47. Pursuant to W. Va. Code R. § 64-77-6.4. Disinfection, "...Continuous disinfection is required for all public water systems."
48. Pursuant to W. Va. Code R. § 64-77-6.4.a.4., Chlorination equipment must include an automatic switchover: "Automatic switchover of chlorine cylinders shall be provided, where necessary, to assure continuous disinfection."
49. During the Inspection, the EPA's inspector observed that the System had only one of its two chlorine gas cylinders connected to a vacuum regulator with no automatic switchover present to switch over to a full chlorine gas cylinder when the current cylinder is exhausted.
50. In addition, during the Inspection, the EPA's inspector observed the scale for the chlorine gas cylinders was not connected to the Supervisory Control and Data Acquisition (SCADA) system and the System did not have a continuous chlorine monitor for detecting the chlorine residual in finished water. Therefore, the System would not be notified of a disruption to chlorine disinfection until the next visual check of the chlorination system or chlorine residual grab sampling.
51. On January 20, 2026, Respondent provided photographs showing automatic switchover for the

chlorine tanks had been set-up, but the chlorine analyzer had not been fully installed.

52. Respondent's failure to ensure continuous disinfection is a violation of W. Va. Code R. § 64-77-6.4 and the SDWA from at least March 25, 2024 to present.

Count 4: Failure to Have Operable Chlorine Visual Alarm

53. The preceding paragraphs are incorporated herein by reference.

54. Pursuant to W. Va. Code R. § 64-77-7.4.c. Chlorine leak detection, ". . . Where pressurized chlorine gas is present, continuous chlorine leak detection equipment is required and shall be equipped with both an audible alarm and a warning light."

55. During the Inspection, the EPA's inspector observed that the System had chlorine leak detection equipment with pressurized chlorine gas, however, the warning light outside the chlorine room was not functional.

56. Respondent's failure to have chlorine leak detection equipment with an operational warning light is a violation of W. Va. Code R. § 64-77-7.4.c and the SDWA from at least March 25, 2024 to present.

Count 5: Failure to Have Plans for Chemical Application

57. The preceding paragraphs are incorporated herein by reference.

58. Pursuant to W. Va. Code R. § 64-77-7.1.a Plans and specifications, plans and specification for chemical application "...shall include: descriptions of feed equipment, including maximum and minimum feed ranges... specifications for chemicals to be used; operating and control procedures including proposed application rates..."

59. During the inspection, the EPA inspector did not observe SOPs or other documentation of operating and control procedures, including proposed application rates, for hydrofluosilicic acid or chlorine.

60. Respondent's failure to have plans for chemical application is a violation of W. Va. Code R. § 64-77-7.1.a. and the SDWA from at least March 25, 2024 to present.

Count 6: Failure to Maintain Operation and Maintenance Log for Air Stripper

61. The preceding paragraphs are incorporated herein by reference.

62. Pursuant to 40 C.F.R. § 141.33(b), "Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records . . . (b) Records of action taken by the system to correct

violations of primary drinking water regulations shall be kept for a period of not less than 3 years after the last action taken with respect to the particular violation involved.”

63. On March 13, 2020, the State issued an Administrative Order requiring the system to install adequate treatment for the public water system to meet drinking water standards for PCE. The Administrative Order required the System to take action to correct violations of primary drinking water regulations. In May 2020, the System installed an air stripper water treatment system to remove PCE from its source water during the treatment process.
64. On August 26, 2023 the State issued an Administrative Order Amendment (EE-23-10 A-1) to the System.
65. Pursuant to Administrative Order (EE-23-10 A-1), Paragraph 12.B.10., the System was required to submit copies of the air stripper’s operation and maintenance logs monthly no later than ten (10) calendar days after the end of every month. The logs are records of actions taken by the system to correct violations of primary drinking water regulations under 40 C.F.R. § 141.33(b).
66. At the Inspection, the EPA inspector requested logs or records associated with the operation of the air stripper. The System never provided any operation and/or maintenance logs for the air stripper to the EPA.
67. Respondent’s failure to maintain an operation and maintenance log for the air stripper is a violation of 40 C.F.R. § 141.33(b) and SDWA from at least October 10, 2023 to present.

Count 7: Failure to Have Properly Installed Air Inlet

68. The preceding paragraphs are incorporated herein by reference.
69. Pursuant to W. Va. Code R. § 64-77-6.6.b. Forced or induced draft aeration: “Forced or induced draft aeration devices shall be designed to: include a blower with a weatherproof motor in a tight housing and screened enclosure and ensure adequate counter current of air through the enclosed aerator column; exhaust air directly to the outside atmosphere; include a down-turned and twenty-four (24)-mesh screened air outlet and inlet; ensure that air introduced in the column is as free from obnoxious fumes, dust, and dirt as possible; be such that sections of the aerator can be easily reached or removed for maintenance of the interior or installed in a separate aerator room; provide loading at a rate of one (1) to five (5) gallons per minute for each square foot of total tray area; ensure that the water outlet is adequately sealed to prevent unwarranted loss of air; discharge through a series of five or more trays with separation of trays not less than six (6) inches; provide distribution of water uniformly over the top tray; be of durable material resistant to the aggressiveness of the water and dissolved gases; provide for continuous disinfection feed after aeration.”
70. The air stripper the System must use to remove PCE is a forced or induced draft aeration device and therefore must comply with W. Va. Code R. § 64-77-6.6.b.

71. During the Inspection, the EPA inspector observed that the air inlet was not connected to the blower, a component of the air stripper that is required to be functional.
72. Respondent's failure to have a properly installed air inlet for the air blower is a violation of W. Va. Code R. § 64-77-6.6.e.4 and the SDWA from at least March 25, 2024 to present.

Count 8: Failure to Have an Approved Cross-Connection and Backflow Prevention Program

73. The preceding paragraphs are incorporated herein by reference.
74. Pursuant to W. Va. Code R. § 64-15-8.2. Plans, Surveys, Investigations, and Testing, "The public water system shall establish a cross-connection and backflow prevention program approved by the Commissioner."
75. At the time of the Inspection, the System did not have an approved cross-connection and backflow prevention program for customers.
76. Respondent's failure to have an approved cross-connection and backflow prevention program for customers is a violation of W. Va. Code R. § 64-15-8.2 and the SDWA from at least March 25, 2024 to present.

Count 9: Failure to Properly Protect the Plant Water Supply from Backflow

77. The preceding paragraphs are incorporated herein by reference.
78. Pursuant to W. Va. Code R. § 64-15-2.1, Cross-Connection Control and Backflow Prevention, "This legislative rule applies to any owner, operator, or customer of a public water system."
79. Pursuant to W. Va. Code R. § 64-15.5.1, When Protection is Required, "The Commissioner or his or her designee may determine, upon conducting a risk assessment, that any water supply system must be equipped with a backflow prevention assembly to protect the health and sanitation of water, whether publicly or privately owned . . .".
80. The System has a backflow prevention assembly on the treatment plant water supply line after the high service pumps. Therefore, the cross-connection control and backflow prevention regulations apply to the System.
81. W. Va. Code R. § 64-15-8.4.1 Plans, Surveys, Investigations, and Testing, "The water customer shall ensure that a person certified by the Commissioner as a certified backflow assembly tester inspects and tests the backflow prevention assemblies upon installation and at least every 12 months after that. . .". Because Series 15, "Cross-Connection Control and Backflow Prevention" applies to the System for its backflow prevention assembly, the System is required to test its backflow prevention assemblies upon installation and at least every 12 months after that.

82. During the Inspection the EPA inspector observed that the backflow prevention assembly for the treatment plant water supply was not regularly inspected. The System was unable to identify any recent dates of inspection. The testing ports were inaccessible due to the location of the backflow prevention assembly.
83. On January 20, 2026, Respondent provided photographs showing a new backflow prevention device had been installed. The new backflow prevention device needs to be tested upon installation and inspected and tested at least every 12 months after that.
84. Respondent's failure to test the backflow prevention device upon installation and inspect and test the backflow prevention assembly for the treatment plant water supply at least every 12 months is a violation of W. Va. Code R. § 64-15-8.4 and the SDWA from at least March 25, 2024 to present.

Count 10: Failure to Screen Vents of Finished Water Storage Structures

85. The preceding paragraphs are incorporated herein by reference.
86. Pursuant to W. Va. Code R. § 64-77-9.1.h. Finished Water Storage, "Finished water storage structures shall be vented. Overflows shall not be considered as vents... Vents shall prevent the entrance of surface water and rainwater and shall exclude birds, animals and insects, as much as this function can be made compatible with effective venting. For elevated tanks and standpipes, four (4) mesh noncorrodible screen may be used..."
87. During the inspection, the System Representatives were unable to confirm if the vents for Tank #5 and #6 were screened or otherwise protected to exclude birds, animals and insects.
88. Respondent's failure to have vents that will prevent the entrance of surface water, rainwater, birds, animals and insects for Tank #5 and #6 is a violation of W. Va. Code R. § 64-77-9.1.h and the SDWA from at least March 25, 2024 to present.

Count 11: Failure to Provide Methods for Verifying Adequate Quality Assurances and Routine Calibration of Equipment

89. The preceding paragraphs are incorporated herein by reference.
90. Pursuant to W. Va. Code R. § 64-77-4.9. Laboratory Facilities, "... Methods for verifying adequate quality assurances and for routine calibration of equipment shall be provided."
91. During the Inspection, the EPA inspector observed that the System does not have methods or a schedule for performing routine calibrations of laboratory equipment. The System does not maintain calibration logs for laboratory equipment.

92. On January 15, 2026, Respondent provided photographs of the System's calibration logs for fluoride, chlorine, and pH with notes referencing the frequency of calibrations. Respondent stated the frequency of calibration for fluoride and chlorine is bi-weekly or as needed, however, this is inconsistent with the System's calibrations logs. Respondent provided photographs of calibration logs showing calibrations occurring as follows: 1) pH (bi-weekly) from April 1, 2024 to December 23, 2025, 2) chlorine (monthly) from April 1, 2024 to January 2, 2026 and 3) fluoride (monthly) from April 1, 2024 to May 5, 2025. From May 6, 2025 to November 16, 2025, there is no record of calibration of the Lamont DC1500 for fluoride. Based on the log, the System resumed calibrations for fluoride from November 17, 2025 to December 29, 2025.
93. Respondent's failure to provide clear methods for routine calibration of equipment is a violation of W. Va. Code R. § 64-77-4.9 and the SDWA from at least May 6, 2025 to present.

Count 12: Failure to Have Well Casings Project at least Twelve Inches Above Ground

94. The preceding paragraphs are incorporated herein by reference.
95. Pursuant to W. Va. Code R. § 64-77-5.3.e.10. Upper Terminal Well Construction, "Permanent casing for all groundwater sources shall project at least twelve (12) inches above the pumphouse floor or at least twelve (12) inches above the final ground surface. . .".
96. During the Inspection, the EPA inspector observed that the casings for Wells #3 and #4 did not extend at least twelve inches above the ground.
97. The April 22, 2024 sanitary survey report identified as a significant deficiency that the casing for Well #1 also did not extend twelve inches above the ground. The System has yet to correct this significant deficiency.
98. On January 15, 2026, Respondent provided documentation to the EPA inspector showing that the casing for Well #3 had been modified to extend at least twelve inches above ground.
99. Respondent's failure to have well casings of Wells #1 and #4 extend at least twelve inches above the ground is a violation of W. Va. Code R. § 64-77-5.3.e.10 and the SDWA from at least March 25, 2024 to present.

Count 13: Failure to Address Significant Deficiencies

100. The preceding paragraphs are incorporated herein by reference.
101. Pursuant to 40 C.F.R. § 141.404(a)(1), "A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the State) of receiving written notice from the State of the significant deficiency, the system: (1) Does not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim actions and

measures.”

102. The sanitary survey performed by WVDH during the March 25th through March 27th, 2024 inspection identified fifteen significant deficiencies.
103. The April 22, 2024 sanitary survey report provided to the System by WVDH required that the System either correct all significant deficiencies or submit a corrective action plan within 120-days (or August 20, 2024).
104. On April 23, 2024, the System responded to the WVDH report about some of the significant deficiencies but not all.
105. The Respondent failed to correct all significant deficiencies or submit a corrective action plan within 120-days for all the significant deficiencies identified in the April 22, 2024 sanitary survey report.
106. Respondent’s failure to complete corrective action in accordance with State guidance and direction for all significant deficiencies within 120 days of receiving written notice from the State of the significant deficiency is a violation of 40 C.F.R. § 141.404(a)(1) and the SDWA.

Count 14: Failure to Deliver and Certify Consumer Confidence Reports (CCR)

107. The preceding paragraphs are incorporated herein by reference.
108. Pursuant to 40 C.F.R. § 141.152(b), “Each existing community water system must deliver reports according to § 141.155 by July 1 each year. Each report delivered by July 1 must contain data collected during the previous calendar year, or the most recent calendar year before the previous calendar year.”
109. For calendar years 2021, 2022, 2023, and 2024 the System failed to deliver the Consumer Confidence Reports (“CCR”) to customers by July 1st. The CCRs for calendar years 2021, 2022, 2023, and 2024 were due to customers by July 1, 2022, July 1, 2023, July 1, 2024, and July 1, 2025, respectively.
110. Failure to deliver CCRs by July 1st for calendar years 2021 through 2024 are violations of 40 C.F.R. § 141.152(b).
111. Respondent’s failure to provide a copy of the CCR and certification to the State for calendar years 2021 through 2024 are violations of 40 C.F.R. § 141.155(c) and the SDWA.

Count 15: Failure to Provide Public Notice

112. The preceding paragraphs are incorporated herein by reference.

113. Pursuant to 40 C.F.R. § 141.201(a), “Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1. . .”.

114. The System has failed to provide public notice as required as follows:

- a. Tier 3 public notice for haloacetic acids (HAA5) monitoring violations under 40 C.F.R. Part 141, Subpart L during the October 1 to December 31, 2020, January 1 to March 31, 2021, April 1 to June 30, 2022, July 1 to September 30, 2022, and January 1 to March 31, 2023 monitoring periods;
- b. Tier 3 public notice for total trihalomethanes (TTHM) monitoring violations under 40 C.F.R. Part 141, Subpart L during the October 1 to December 31, 2020, January 1 to March 31, 2021, April 1 to June 30, 2022, July 1 to September 30, 2022, and January 1 to March 31, 2023 monitoring periods;
- c. Tier 3 public notice for lead and copper monitoring violations under 40 C.F.R. Part 141, Subpart I during the July 1 to December 31, 2021, July 1 to December 31, 2022, January 1 to June 30, 2022, and January 1 to June 30, 2023 monitoring periods;
- d. Tier 3 public notice for chlorine monitoring violations under 40 C.F.R. Part 141, Subpart S during the December 1 to 31, 2021, April 1 to 30, 2022, May 1 to 31, 2022, August 1 to 31, 2022, September 1 to 30, 2022, December 1 to 31, 2022, February 1 to 28, 2023, March 1 to 31, 2023, April 1 to 30, 2023, May 1 to 31, 2023, and June 1 to 30, 2023 monitoring periods;
- e. Tier 3 public notice for nitrate monitoring violation under 40 C.F.R. Part 141, Subpart C during the January 1 to March 31, 2022 and April 1 to June 30, 2023 monitoring periods;
- f. Tier 3 public notice for chlorine monitoring violation under 40 C.F.R. Part 141, Subpart L during the May 1 to 31, 2022, September 1 to 30, 2022, December 1 to 31, 2022, March 1 to 31, 2023, and May 1 to 31, 2023 monitoring periods;
- g. Tier 3 public notice for e. Coli monitoring violation under 40 C.F.R. Part 141, Subpart Z during the December 1 to 31, 2022 monitoring period; and
- h. Tier 2 public notice for tetrachloroethylene maximum contaminant level violation during the January 1 to March 31, 2024 monitoring period.

115. Respondent’s failure to provide required public notices for the violations and times listed above are violations of 40 C.F.R. § 141.201(a) and the SDWA.

III. ORDER FOR COMPLIANCE

Based on the foregoing findings, and pursuant to the authority of Section 1414(g) of SDWA, 42 U.S.C. § 300g-3(g), Respondent is HEREBY ORDERED, and consents, to:

116. Comply with all provisions of the SDWA and its implementing regulations.

117. Within 30 days of the Effective Date of this Order (unless otherwise specified in Table A, below), Respondent shall complete and provide the following for each of the listed Counts, below.

Table A: Compliance Tasks by Count

Item	Count	
A	Count 1: Failure to Properly Maintain Air Stripper; and Count 6: Failure to Maintain Operation and Maintenance Log for Air Stripper	1. The System shall implement the SOP provided to EPA on February 5, 2026; and 2. Within 30 Days following implementation of the SOP, the System shall provide an operation and maintenance log that documents all preventative maintenance activities for the air stripper to the EPA.
B	Count 2: Failure to Ensure the Provision of Safe, Adequate, and Continuous Drinking Water Service	1. On March 12, 2026, the System stated that the maintenance will be performed by a contractor for the emergency generator bi-annually. Provide documentation of the next contractor-performed maintenance on the emergency generator within 7 days after maintenance is performed.
C	Count 3: Failure to Provide for Continuous Disinfection	1. The System shall install a chlorine analyzer at the entry point to the distribution system and provide photograph(s) of the online chlorine analyzer.
D	Count 4: Failure to Have Operable Chlorine Visual Alarm	1. The System shall confirm in writing that the chlorine warning light has been installed and is operational, and provide a photograph within 6 months of the Effective Date of this Order.
E	Count 5: Failure to Have Plans for Chemical Application	1. The System shall develop a SOP for treatment plant operations that includes plans for the application of hydrofluosilicic acid and chlorine.
F	Count 7: Failure to Have Properly Installed Air Inlet	1. The System shall install the air inlet per the manufacturer’s specifications and provide photographic evidence of the installation; or, in the alternative, provide a certification by a qualified engineering professional that the current set up is not inhibiting the functionality of the air stripper.

G	Count 8: Failure to Have an Approved Cross-Connection and Backflow Prevention Program	<ol style="list-style-type: none"> 1. Within 90 days of the Effective Date of this Order, the System shall develop a cross-connection and backflow prevention program plan; and 2. Within 90 days of the Effective Date of this Order the System shall submit the cross-connection and backflow prevention program plan to WVDH for approval, copying EPA on the submittal.
H	Count 9: Failure to Properly Protect the Plant Water Supply from Backflow	<ol style="list-style-type: none"> 1. On January 20, 2026, the System stated a RPZ backflow device was installed. The System shall have the backflow prevention device tested; 2. The System shall provide documentation showing the device was inspected; and 3. The System shall develop and implement a schedule for inspection of backflow prevention device(s) at the treatment plant and provide the plan to EPA.
I	Count 10: Failure to Screen Vents of Finished Water Storage Structures	<ol style="list-style-type: none"> 1. Within 90 days of the Effective Date of this Order, the System shall install screens on the vents of Tank #5 and #6 sufficient to keep out water, animals and insects, and provide photographic evidence of the screens. EPA recommends installation of a 24-mesh noncorrodible screen.
J	Count 11: Failure to Provide Methods for Verifying Adequate Quality Assurances and Routine Calibration of Equipment	<ol style="list-style-type: none"> 1. The System shall develop and implement a SOP documenting methods and schedule for routine calibrations of all monitoring equipment consistent with manufacturers’ recommendations and provide a copy to EPA; and 2. The System shall provide calibration log(s) for all monitoring equipment in its written progress reports per Section IV, below.
K	Count 12: Failure to Have Well Casings Project at least Twelve Inches Above Ground	<ol style="list-style-type: none"> 1. The System shall extend the well casings for Wells #1/#5 and #4 12-inches above the pumphouse floor and provide photographic evidence of the installation to EPA by December 31, 2026. If this work cannot be completed by December 31, 2026, please provide EPA (at least 60 days in advance of the deadline) with a written statement from the contractor explaining why, and the date when the contractor will be able to complete the work for EPA’s review and approval.
L	Count 13: Failure to Address Significant Deficiencies	<ol style="list-style-type: none"> 1. For each significant deficiency identified in the April 22, 2024 sanitary survey report, the System shall either correct the significant deficiency or submit a corrective action plan to WVDH and provide a copy to EPA.
M	Count 14: Failure to Deliver and Certify	<ol style="list-style-type: none"> 1. The System shall deliver the CCR to customers and provide certification to WVDH; and

	Consumer Confidence Reports (CCR). CCR for 2024 was due to the public by July 1, 2025 and certification is due to WVDH by September 30, 2025.	2. The System shall provide a copy of the CCR and documentation that the CCR and certification were sent to WVDH to EPA.
N	Count 15: Failure to Provide Public Notice	1. The System shall provide public notice for the violations in Paragraph 114, certification to WVDH, and provide copies to EPA.

118. For any compliance task where Respondent believes it will be unable to complete the work by the stated deadline, the Respondent shall submit to the EPA a request for an extension with an explanation and supporting documentation, for EPA’s review and approval. All extension requests should be made at least 30 days prior to the deadlines listed in this Order unless specifically stated otherwise.

119. Reporting Requirement. Respondent shall submit written progress reports for the actions described in this Section. The written reports shall be submitted by Respondent within ten (10) days after the end of each month via electronic mail to the EPA and WVDEP contacts noted in Section IV (Procedures for Submission). Respondent shall continue submitting such reports until EPA closes out this Order by written correspondence to Respondent in accordance with Section VI (Termination). Each report shall at a minimum:

- a. Describe activities completed during the reporting period;
- b. Provide dates by which the activities were completed;
- c. Describe any barriers to the timely completion of activities encountered;
- d. Describe activities currently in progress; and
- e. Provide photographic, and other, documentation of compliance.

IV. PROCEDURES FOR SUBMISSIONS

120. All documents required to be submitted by this AOC and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22, that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on

my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____
Title: _____
Date: _____

121. Respondent may assert a business confidentiality claim covering part of or all of the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.
122. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this Order via email to:

Ms. Sara Calcinore
SDWA and Wetlands Section (3ED31)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 3
Calcinore.Sara@epa.gov
(215) 814-2043

Mr. Patrick Murphy
Office of Environmental Health Services
Bureau for Public Health
West Virginia Department of Health
patrick.m.murphy@wv.gov
(304) 256-6666

and

Ms. Meredith Vance
Office of Environmental Health Services
Bureau for Public Health
West Virginia Department of Health
meredith.j.vance@wv.gov
(304) 352-5046

123. Any information submitted electronically shall be submitted in a widely recognized electronic format.

V. GENERAL PROVISIONS

124. For the purposes of this Order, Respondent admits the jurisdictional allegations set forth in this Order.

125. From the Effective Date of this Order until Termination as set out in Section VI (Termination), below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the System. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

126. Respondent shall bear its own costs and attorneys' fees in connection with this proceeding and associated with the implementation or enforcement of this Order, including any costs related to resolution of any dispute arising regarding this Order.

127. Any request for modification of this Order must be in writing and must be approved by the EPA.

128. The EPA reserves any existing rights and remedies available to it under the SDWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction. This Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the SDWA in any matter and shall not prohibit, prevent, or otherwise preclude the EPA from relying on this Order in subsequent administrative proceedings.

129. Respondent's submission of progress reports and/or any delay in performing laboratory analyses shall not excuse the obligation of Respondent to comply with this Order.

130. This Order does not waive, suspend, or modify the requirements of SDWA, 42 U.S.C. §§ 300f - 300j-26, or its implementing regulations, promulgated at 40 C.F.R. Part 141, which remain in full force and effect. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action otherwise authorized under SDWA.

131. Any violation of the terms of this Order may result in further EPA enforcement action including the imposition of administrative penalties of up to \$67,544 per day for each day of violation that occurs, or a judicial action including the imposition of civil penalties, pursuant to Section 1414(g) of SDWA, 42 U.S.C. § 300g-3(g), as modified by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq., and subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

132. Compliance with the terms and conditions of this Order shall not in any way be construed to relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a determination of any issue related to any federal, state, or local permit. Compliance with this Order shall not be a defense to any actions subsequently commenced for any violation of federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.
133. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health.
134. The EPA and its authorized representatives, including contractors, shall have authority upon the presentation of proper identification to enter the premises of Respondent at any time without prior notification to monitor the activities required by this Order, verify any data or information submitted pursuant to this Order, obtain samples, and inspect and review any records generated and/or maintained pursuant to this Order. The EPA reserves and, does not waive, any and all existing inspection and information request authority.
135. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, contractors, agents, trustees, successors, and assigns.
136. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C §§ 701-706.
137. The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to enter into the terms and conditions of this Order and to execute and legally bind the party.
138. Respondent certifies that any information or representation it has supplied to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy, or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Order are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors, and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
139. Respondent consents to service of this Order by e-mail at the following valid e-mail

address(es): cflannery@snyder-hassig.com, choch412@yahoo.com,
josh.billiter.padencity@gmail.com, and jason.r.yost.padencity@gmail.com.

VI. TERMINATION

140. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from the EPA that Respondent has demonstrated, to the satisfaction of the EPA, that the terms of this Order have been satisfactorily completed.
141. Certification of Compliance and Request for Termination. Respondent may submit to the EPA a Certification of Compliance and Request for Termination of this Order, including necessary documentation to demonstrate that it has met all requirements of this Order. Such certification and request shall include:
- a. A certification that Respondent has maintained compliance with this Order for the term of this Order; and
 - b. All necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section III (Order for Compliance) of this Order.
142. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA agrees that Respondent has adequately complied with all requirements of this Order, then the EPA may, in its unreviewable discretion, provide written notification of termination of this Order.
143. EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.

VII. EFFECTIVE DATE

144. This Order shall become effective on the date it is filed with the Regional Hearing Clerk after signature by the Director of the Enforcement and Compliance Assurance Division, EPA Region 3.

SO ORDERED:

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

By:

[Digital Signature and Date]

Acting Director

Enforcement and Compliance Assurance Division

U.S. EPA – Region 3

AGREED TO FOR THE RESPONDENT: CITY OF PADEN CITY, PADEN CITY WATER WORKS

Date: 3/30/26

By: 

Mayor Clyde Hochstrasser



REGION 3

PHILADELPHIA, PA 19103

In the Matter of:

**City of Paden City Public Water System
208 W Main Street
Paden City, West Virginia 26159**

Respondent.

PWS ID No. WV3305204

System.

:
:
: **ADMINISTRATIVE ORDER ON CONSENT**
: **PURSUANT TO 42 U.S.C. § 300g-3(g)**
:
: **Dkt. No. SDWA-03-2026-0016DS**
:
: **Proceeding under Section 1414(g) of the**
: **Safe Drinking Water Act, as amended,**
: **42 U.S.C. § 300g-3(g)**
:
:

CERTIFICATE OF SERVICE

I certify that the foregoing **Administrative Order on Consent** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the **Administrative Order on Consent**. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via UPS and email to:

Carolyn Flannery, Esq.
Snyder & Hassig Law Offices
233 Main St.
New Martinsville, West Virginia 26155
cflannery@snyder-hassig.com

Mayor Clyde Hochstrasser
City of Paden City
208 West Main Street
Paden City, West Virginia 26159
choch412@yahoo.com

Copies served via email to:

Josh Billiter
Superintendent/Public Works Director
City of Paden City
208 West Main Street
Paden City, West Virginia 26159
Josh.billiter.padencity@gmail.com

Jason Yost
Chief Water Operator
City of Paden City
208 West Main Street
Paden City, West Virginia 26159
jason.r.yost.padencity@gmail.com

Aviva Reinfeld, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
reinfeld.aviva@epa.gov

Sara Calcinore
Life Scientist
U.S. EPA, Region 3
calcinore.sara@epa.gov

By:

[Digital Signature and Date]

Regional Hearing Clerk
U.S. EPA – Region 3