

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
LENEXA, KANSAS 66219

FILED

March 9, 2026

9:33AM

**U.S. EPA REGION 7
HEARING CLERK**

IN THE MATTER OF:

City Of Virgil
PWS ID No. KS2007307

Respondent

Proceedings pursuant to Section
1414(g) of the Safe Drinking Water
Act, 42 U.S.C. Section 300g-3(g)

ADMINISTRATIVE ORDER
DOCKET No.
SDWA-07-2026-0124

I. STATUTORY AUTHORITY

The following FINDINGS are made and ORDER (“ORDER”) issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“USEPA” or “EPA”) by Section 1414(g) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. Section 300g-3(g) (“the Act”), and duly delegated through the Regional Administrator to the Director of the Enforcement and Compliance Assurance Division of Region 7, with the concurrence of the Regional Counsel.

I. FINDINGS

1. The City of Virgil (hereinafter “Respondent”) owns and/or operates the City Of Virgil “public water system” located in Virgil, Kansas, within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2.
2. Respondent is a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2.
3. Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2, and is subject to this Administrative Order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1).
4. Respondent’s public water system (“PWS” or “system”) provides piped water for human consumption and regularly serves a population of at least 25 individuals year-round and is therefore a “community water system” as defined by Section 1401(15) of the SDWA, 42

U.S.C. § 300f(15) and 40 C.F.R. § 141.2. Respondent is, therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations found at 40 C.F.R. Part 141.

Lead and Copper Rules

5. In 1991, EPA published the Lead and Copper Rule (“LCR”), 40 C.F.R. Part 141 Subpart I. Pursuant to 40 C.F.R. § 141.80, the LCR is applicable to community water systems and non-transient non-community water systems.
6. On January 15, 2021, EPA promulgated the Lead and Copper Rule Revisions (“LCRR”). Then, on December 6, 2023, EPA published the proposed Lead and Copper Rule Improvements (“LCRI”), which was finalized on October 8, 2024.
7. The 2024 LCRI supersedes the LCRR. The LCRI modified most of the requirements in the LCRR and established a compliance date of November 1, 2027, for those provisions. The LCRI also incorporated select provisions from the 2021 LCRR¹, including the October 16, 2024, compliance deadline for initial service line inventories.
8. Section 1414, 42 U.S.C. § 300g-3(1)(a)(2), provides that in nonprimacy States, Tribes, or Territories, the Administrator has the primary enforcement authority to issue an order under Section 1414, 42 U.S.C. § 300g-3, and has such primary enforcement authority until a State, Tribe, or Territory has primary enforcement authority for a new or revised National Primary Drinking Water Regulation, such as the LCRR and LCRI. In addition, during any period when a State, Tribe, or Territory does not have primary enforcement responsibility pursuant to SDWA Section 1413, the term “State” means the EPA Regional Administrator. See 40 C.F.R. § 141.2.²
9. Pursuant to the SDWA regulations at 40 C.F.R. §§ 141.84 and 141.90, systems must develop an initial service line inventory and submit it to the State³ by October 16, 2024. The inventory must identify the materials of service lines connected to the public water distribution system, regardless of ownership status, (e.g., where service line ownership is

¹ Pursuant to 40 C.F.R. § 141.80, between October 30, 2024, and November 1, 2027, community water systems must comply with 40 C.F.R. §§ 141.2, 141.31, and 141.80 through 141.91, as codified on July 1, 2020, except systems must also comply with 40 C.F.R. § 141.84(a)(1) through (a)(10) (excluding paragraphs (a)(6) and (7)), 141.85(a)(1)(ii) and (e), 141.90(e)(1) and (13), (f)(4), and (h)(3), 141.201(a)(3)(vi) and (c)(3), and 141.202(a)(10); 40 C.F.R. Part 141, Appendix A to Subpart Q, Entry I.C.1 (excluding § 141.90, except Paragraphs (e)(1) and (13) and (f)(4)) and Entry I.C.2; 40 C.F.R. Part 141, Appendix B to Subpart Q, Entry D.23; and 40 C.F.R. § 141.31(d)(2), as codified on July 1, 2024.

² The Kansas Department of Health and Environment (“KDHE”) administers the Public Water System Supervision Program in Kansas pursuant to Section 1413 of the SDWA 42 U.S.C. § 300g-2. KDHE is the “approved State primacy program”, as that term is defined in 40 C.F.R. § 142.2. However, as of the date of this Order, KDHE has not obtained primacy for the LCRR or LCRI.

³ Pursuant to 40 C.F.R. § 142.12, Region 7 and KDHE entered into an extension agreement in December 2023, and KDHE has agreed to receive the inventories on behalf of Region 7.

shared, the inventory includes both the portion of the service line owned by the water system and the portion of the service line owned by the customer). Each service line must be categorized as lead, galvanized requiring replacement, non-lead, or lead status unknown, in accordance with 40 C.F.R. § 141.84.

10. Pursuant to the SDWA regulation at 40 C.F.R. § 141.85, within thirty (30) days of completing its initial service line inventory, water systems must inform all persons served at the service connection of lead service lines, galvanized requiring replacement, or lead status unknown. The notification of known or potential service lines containing lead must be repeated on an annual basis until the entire service connection is no longer a lead, galvanized requiring replacement, or lead status unknown. Content of the notice must be in accordance with 40 C.F.R. § 141.85 and must be provided by mail or another method approved by the State.
11. Pursuant to the SDWA regulation at 40 C.F.R. § 141.90, water systems must annually demonstrate to the State that it delivered annual consumer notification and delivered lead service line information materials to affected consumers with a lead, galvanized requiring replacement, or lead status unknown service line in accordance with 40 C.F.R. § 141.85 for the previous calendar year.
12. Pursuant to the SDWA regulation at 40 C.F.R. § 141.84, the service line materials inventory must be publicly accessible.

Findings of Violation

13. Respondent's PWS is a community water system and is, therefore, subject to the requirements of the SDWA regulations at 40 C.F.R. Part 141 Subpart I.
14. Based on information available to EPA, Respondent failed to develop and/or submit the initial service line inventory to the State by the October 16, 2024, deadline. Respondent is, therefore, in violation of the SDWA regulations at 40 C.F.R. §§ 141.84 and 141.90.
15. EPA is issuing this Order to address the violation(s) enumerated above and establish an enforceable schedule to bring Respondent into compliance with the SDWA and the LCRR and LCRI.

I. ORDER

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS:

16. Develop Initial Service Line Inventory:

Within 30 days of the Effective Date of this Order, Respondent shall develop an initial Service Line Inventory as required by 40 C.F.R. §§ 141.84 and 141.90. The Respondent shall develop the service line inventory consistent with the following template as developed by

the Kansas Department of Health and Environment to be used by systems to compile inventory information: <https://www.kdhe.ks.gov/DocumentCenter/View/20264/LEAD-SERVICE-LINE-INVENTORY-XLSX>.

17. Submit Initial Service Line Inventory:

- a. Within 30 days of the Effective Date of this Order, Respondent shall submit **to the EPA contact**, provided in Paragraph 21, the Service Line Inventory, as required by 40 C.F.R. §§ 141.84 and 141.90.
- b. Within 30 days of the Effective Date of this Order, Respondent shall also submit the service line inventory **to the State**, using the Public Water Supply Data Collector portal: <https://ks.gecsws.com/>. Registration information can be found here: <https://www.kdhe.ks.gov/DocumentCenter/View/41809/New-Registration-Portal-Guide?bidId=>

18. Consumer Notification:

Within 30 days of completion of the initial service line inventory, as required in Paragraph 16, Respondent must inform all persons served at the service connection by a lead, galvanized requiring replacement, or lead status unknown service line, as required by 40 C.F.R. § 141.85. Respondent shall use the following consumer notification template provided by the KDHE: <https://www.kdhe.ks.gov/DocumentCenter/View/42431>.

19. Consumer Notification Certification:

Within 10 days of completing the consumer notice requirements, listed in paragraph 18, Respondent shall submit to EPA information certifying that all persons with a service line connection containing lead, galvanized requiring replacement, or lead status unknown service line, have been notified, as required by 40 C.F.R. § 141.85 and 40 C.F.R. § 141.90. Required information includes a sample copy of the notification letter and sample copy of the informational materials provided to the consumers, and must be submitted in accordance with Paragraph 21, below. Respondent shall also submit this information to the State utilizing the State's certification document located at <https://www.kdhe.ks.gov/DocumentCenter/View/51068>

20. Publicly Available Service Line Inventory:

Within 30 days of completion of the initial service line inventory, Respondent shall make the inventory accessible to the public, and provide information to EPA in writing, describing how the inventory was made publicly available. Information shall be submitted in accordance with Paragraph 21, below.

II. GENERAL PROVISIONS

21. All submissions and communications related to this Order shall be submitted via electronic mail (unless specified above) to the following:

hendrickson.adam@epa.gov
Adam Hendrickson, Case Review Officer
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
816-715-3787, and

Rob.Gavin@ks.gov
Robert Gavin, P.G.
Public Water Supply Section
Kansas Department of Health and Environment

22. Upon Respondent's written request, extensions of the compliance schedule/deadlines required by this Order may be granted at the EPA's sole discretion, which would require a formal amendment to the Order.
23. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with the requirements of the SDWA, and its implementing regulations, including but not limited to 40 C.F.R. Part 141, may subject Respondent to additional enforcement action, including but not limited to judicial, administrative, and equitable actions.
24. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension or modification of the requirements of the Act, or the rules and regulations promulgated thereunder which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
25. The Respondent may be subject to an administrative civil penalty of up to \$49,848 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$49,848 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$71,545 per day of violation pursuant to Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
26. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. § 300j-7(a), upon the Effective Date.
27. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.
28. This Order does not relieve Respondent of any responsibilities or liabilities established

pursuant to any applicable federal, state, or local law.

29. Effective Date. The terms of this Order shall be effective and enforceable against the Respondent thirty (30) days after receipt of this Order.

30. Opportunity to Confer. Respondent has the opportunity to confer with and/or submit information to EPA concerning the validity of this Order, including the basis for the Order, the terms of the Order, and the applicability of this Order to the Respondent. Within ten days of receipt of this Order, Respondent may request a conference regarding the Order or to submit information to EPA. If a Respondent requests a conference or wishes to submit information, the conference or submission of information shall take place within thirty (30) days of receipt of this Order. EPA shall deem a failure to request a conference or to submit information as a waiver of the opportunity to confer.

31. Termination. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA.

ORDERED:

VEDA HAKAMI
STOY

Digitally signed by VEDA
HAKAMI STOY
Date: 2026.02.17
17:43:25 -06'00'

Director
Enforcement and Compliance Assurance Division

ANGELA
STILLWAGON

Digitally signed by
ANGELA STILLWAGON
Date: 2026.02.09
11:49:05 -06'00'

Attorney
Office of Regional Counsel

Certificate of Service

I certify that on the date noted below I delivered the original and one true copy of this Administrative Order to the Regional Hearing Clerk, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below I sent a copy of the foregoing Administrative Order by electronic mail, receipt confirmation requested, to:

orellahosack@gmail.com
The Honorable Philip Titus
City of Virgil
PO Box 79
Virgil, KS 66870

and via electronic mail to:

Rob.Gavin@ks.gov
Robert Gavin, P.G.
Public Water Supply Section
Kansas Department of Health and Environment

hendrickson.adam@epa.gov
Adam Hendrickson, Case Review Officer
EPA Region 7, Enforcement and Compliance Assurance Division

Stillwagon.Angela@epa.gov
Angela Stillwagon, Attorney
EPA Region 7, Office of Regional Counsel

Signature