



FILED

Oct 29, 2024

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U.S. EPA REGION 8
HEARING CLERK

October 29, 2024

Ref: 8ECA-W-S

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

Mr. Scott Green, Director of Public Works
Town of Moorcroft
publicworks@townofmoorcroft.com

Subj: Violation of Town of Moorcroft Administrative Order, Docket No. SDWA-08-2024-0023, Town of Moorcroft Public Water System, PWS ID #WY5600037

Dear Mr. Green

The purpose of this letter is to notify the Town of Moorcroft (Respondent) that civil penalties and/or a federal court injunction may be ordered against Respondent for violations of the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* (Act) at the Moorcroft Public Water System (System). Specifically, on March 25, 2024, the EPA issued the above-referenced Administrative Order (Order), directing Respondent to comply with the National Primary Drinking Water Regulations (Part 141) issued by the EPA under the Act. Our records indicate that the System is in violation of the Order.

Among other things, the Order included the following requirements, which have not been properly completed:

Significant Deficiency Corrective Actions.

Summarized from paragraph 15 of the Order: Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion to the EPA, including photographs of the corrective actions. Thereafter, if the EPA identifies any significant

deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

- **Violation: Failure to Submit a Plan and Schedule to address 5 remaining significant deficiencies** (all from Survey Year 2020):
 - SD#3: Well WL03 - Well #6 - **Lack of a sanitary seal on the well casing.**
To prevent contamination, the well must have a functioning sanitary seal and a tightly bolted cap. *At the time of the sanitary survey, the well-cap gasket was protruding from the well cap. The gasket must be fully present between the cap and casing.*
 - SD#6: Well WL05 - Well #9 - **Lack of a sanitary seal on the well casing.**
To prevent contamination, the well must have a functioning sanitary seal and a tightly bolted cap. *At the time of the sanitary survey, the retainer ring was broken, preventing the gasket from creating a functioning sanitary seal. The retainer ring must be replaced.*
 - SD#8: Well WL06 - Well #10 **Lack of a sanitary seal on the well casing.**
To prevent contamination, the well must have a functioning sanitary seal and a tightly bolted cap. *At the time of the sanitary survey, the retainer ring was broken, preventing the gasket from creating a functioning sanitary seal. The retainer ring must be replaced.*
 - SD#10: The air vent and access hatch for **Gravity Tank ID: ST01 - Moorcroft Storage Tank Unknown integrity of storage tank air vent and access hatch.** The surveyor was unable to evaluate the tank air vent and access hatch, and the System was not able to produce documentation of the condition of these components. Each item that could not be inspected during the sanitary survey must be inspected and the structure/condition must be compared to the enclosed Tech Tips for Finished Water Storage Facilities to determine if corrective action is needed. Tank inspectors can be third-party professionals or appropriately trained in-house staff. In order to correct this significant deficiency, you must provide EPA with the following:
 - A completed copy of the Unknown Integrity Checklist.
 - A copy of the inspection report. The inspection report must describe the condition of each specified tank component and include photographs.
 - Date that any corrective actions to address deficiencies with tank components will be completed.
 - EPA will review the inspection report and may require additional corrective actions. ST01 must be inspected and the structure/condition compared to the Tech Tips for Finished Water Storage Facilities.

- SD#11: The air vent and access hatch for **Gravity Tank ID: ST02 - Madison Storage Tank Unknown integrity of storage tank air vent and access hatch**. The surveyor was unable to evaluate the tank air vent and access hatch, and the water system was not able to produce documentation of the condition of these components. Each item that could not be inspected during the sanitary survey must be inspected and the structure/condition must be compared to the enclosed Tech Tips for Finished Water Storage Facilities to determine if corrective action is needed. Tank inspectors can be third-party professionals or appropriately trained in-house staff. In order to correct this significant deficiency, you must provide EPA with the following:
 - A completed copy of the Unknown Integrity Checklist.
 - A copy of the inspection report. The inspection report must describe the condition of each specified tank component and include photographs.
 - Date that any corrective actions to address deficiencies with tank components will be completed.
 - EPA will review the inspection report and may require additional corrective actions.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

The EPA may choose not to file a complaint seeking civil penalties if Respondent does not incur any additional violations and if Respondent provides the EPA with notice of completed corrective actions or a plan and schedule regarding the above-referenced violations within 30 calendar days.

If you have any questions or to request an informal conference with the EPA, please contact Jessica Moore via email at moore.jessica@epa.gov, or by phone at (800) 227-8917, extension 6441, or (303) 312-6441. Any questions from the Town's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

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

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ID #WY5600037*

ENCLOSURES

1. SDWA-08-2024-0023 WY5600037 Town of Moorcroft.AO.CL
2. SDWA-08-2024-0023 WY5600037 Town of Moorcroft.AO

cc: WY DEQ/DOH
Crook County Commissioners
EPA Regional Hearing Clerk (r8_hearing_clerk@epa.gov)
Ben Glenn, Mayor, Town of Moorcroft
Dale Lee, WY DEQ District Engineer
Dorran Larner, WY DEQ District Engineer

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