

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**



IN THE MATTER OF:	)	Docket No. SDWA-08-2026-0003
	)	
U.S. Department of Veterans Affairs,	)	ADMINISTRATIVE ORDER ON
	)	CONSENT
Respondent.	)	
	)	Proceeding Pursuant to Section
Veterans Administration Medical Center	)	1414(g) of the Safe Drinking
Public Water System	)	Water Act, 42 U.S.C. § 300(g)-3(g).
PWS ID #WY5680001	)	

INTRODUCTION

The United States Environmental Protection Agency, Region 8 (EPA) and the United States Department of Veterans Affairs (Respondent) enter into this Administrative Order on Consent (Consent Order) to resolve noncompliance with the Safe Drinking Water Act (Act), 42 U.S.C. section 300f *et seq.*, and the National Primary Drinking Water Regulations (Part 141), 40 C.F.R. part 141 at the Veterans Administration Medical Center Public Water System (System).

JURISDICTION

1. The EPA enters into and issues this Consent Order under the authority vested in the EPA Administrator by section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), which has been delegated to the undersigned EPA official.
2. The Findings of Fact and Findings of Violation and Conclusions of Law (Findings), below, are made solely by the EPA. Without any admission of liability, Respondent consents to the issuance of this Consent Order and agrees to abide by all of its conditions. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review of this Consent Order under section 1448(a) of the Act, 42 U.S.C. § 300j-7(a). Respondent further agrees not to challenge the jurisdiction of the EPA or the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

PARTIES BOUND

3. This Consent Order applies to Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns. Respondent must give written notice and a copy of this Consent Order to any successors-in-interest and the EPA (written notice only) prior to transfer of any interest in the System. Any change in ownership or control of the System including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this Consent Order.
4. Each undersigned signatory for Respondent certifies to her or his authority to execute this Consent Order and to legally bind Respondent to the terms of this Consent Order.

FINDINGS OF FACT

5. Respondent is a "federal agency" as that term is defined at 42 U.S.C. § 300f(11), that owns and operates the System, which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
6. Federal agencies owning or operating a public water system are subject to both procedural and substantive requirements respecting public water systems in the same manner and to the same extent as any person is subject to such requirements. 42 U.S.C. § 300j-6(a). As the owner and operator of the System, Respondent is a "supplier of water" as defined in section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Therefore, Respondent is required to comply with the requirements of the Act and its implementing regulations, Part 141.
7. The System is supplied by a surface water source accessed via an intake on Big Goose Creek. Treatment is provided via coagulation prior to a one-million-gallon pre-sedimentation pond, membrane ultrafiltration, and calcium hypochlorite disinfection.
8. The System has approximately 49 service connections used by year-round residents and regularly serves an average of 53 year-round residents as well as a medical center with a non-transient population of 383 and a transient population of 249.

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.

9. 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).
10. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

FINDINGS OF VIOLATION AND CONCLUSIONS OF LAW

11. Small water systems that exceed the lead action level shall install optimal corrosion control treatment (OCCT) within 24 months after the EPA designates the OCCT. 40 C.F.R. § 141.81(e)(5) and 141.82(a). The 90th percentile lead level calculated for samples collected during monitoring periods January 1 to June 30, 2011; June 1 to September 30, 2014; June 1 to September 30, 2020; and June 1 to September 30, 2022, were determined to exceed the lead action level. In response to these exceedances, Respondent recommended on behalf of the System the addition of a phosphate-based corrosion inhibitor on March 30, 2021, and the EPA concurred and designated this treatment as the OCCT in a letter dated November 21, 2022. The 24-month deadline was paused on November 15, 2023, after Respondent completed two rounds of semi-annual lead and copper sampling below the action levels. The System had another action level exceedance during the January 1 through June 30, 2024 monitoring period, which restarted the compliance timeframe. 40 C.F.R. § 141.81(c) (1991). The updated deadline to install OCCT was April 23, 2025, and was communicated in a letter to Respondent dated November 6, 2024. The EPA received an extension request from Respondent dated April 22, 2025, requesting an extension to December 31, 2025, to install OCCT. Due to restrictions in Part 141, the EPA denied the extension request in a letter dated May 8, 2025. Respondent failed to install the OCCT by the established deadline of April 23, 2025, and therefore violated this requirement.

12. Water systems that exceed the lead action level shall complete public education requirements no later than 60 days after the end of the monitoring period during which the lead action level was exceeded, in accordance with 40 C.F.R. § 141.85(a) and (b) and quarterly thereafter until the action level is no longer exceeded. 40 CFR § 141.85(b)(2)(iii). All public education materials must meet the content requirements in 40 C.F.R §141.85(a) and the delivery requirements in 40 C.F.R. § 141.85(b). Within 10 days after the end of each period in which the Respondent on behalf of the System is required to perform public education, Respondent must provide to EPA written documentation that the System has delivered the public education materials meeting the content requirements in 40 C.F.R § 141.85(a) and the delivery requirements in 40 C.F.R § 141.85(b), as well as a list of all recipients of the materials. 40 C.F.R. § 141.90(f)(1). Following a lead action level exceedance during the January 1 through June 30, 2024, monitoring period, Respondent completed the initial public education requirement but did not meet the subsequent quarterly public education requirement before the specified deadline, and therefore, violated this requirement. (Note: Respondent subsequently completed the required quarterly public education activity on January 31, 2025, and submitted documentation to the EPA on February 25, 2025, returning this violation to compliance).
13. Respondent is required to monitor the System's water annually for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the System's water for VOCs during 2024, and therefore, violated this requirement. (Note: Respondent subsequently monitored for VOCs on March 13, 2025, and returned this violation to compliance).
14. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during December 2024 and therefore, violated this requirement. (Note: Respondent subsequently monitored for total coliform bacteria during the January 2025 monitoring period and returned this violation to compliance).

15. Respondent is required to monitor the chlorine residual at the same time that monthly Revised Total Coliform Rule (40 C.F.R. part 141 Subpart Y) samples are collected. See 40 C.F.R. §§ 141.74(b), 141.75(a), and 141.132(c)(1). Respondent failed to monitor for the chlorine residual at the same time the monthly Revised Total Coliform Rule samples were collected during December 2024, and therefore, violated this requirement. (Note: Respondent subsequently monitored the chlorine residual during the January 2025 monitoring period and returned this violation to compliance).
16. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers. 40 C.F.R. §§ 141.151-141.155. Respondent prepared an annual CCR by July 1, 2024, for calendar year 2023 and distributed to the System's customers, but failed to submit the CCR to the EPA. Therefore, Respondent violated this requirement. (Note: Respondent subsequently submitted the 2023 CCR to the EPA on August 19, 2024, and certified the distribution of the report on August 26, 2024, returning this violation to compliance).
17. 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 11 through 13 and 15 through 16 above, to the EPA and therefore, violated this requirement.
18. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 14, above, to the EPA and therefore, violated this requirement.

ORDER ON CONSENT

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), Respondent agrees to perform the following actions upon receipt of this Consent Order (unless a different deadline is specified below):

19. Respondent shall comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
20. Within 10 days of the receipt of this Consent Order, Respondent must submit to the EPA a proposed plan and schedule to implement the designated OCCT, as discussed in paragraph 11.
 - a. The plan must include proposed modifications to the System and estimated costs of such modifications. The schedule must include a project start date, interim milestone deadlines, and a final compliance deadline (which must be within six months of the project start date).
 - b. The EPA-approved schedule (Schedule) will be incorporated into this Consent Order as an enforceable requirement upon written approval by the EPA.
 - c. Within 10 calendar days after receipt of the EPA's approval of the Schedule, Respondent must begin providing the EPA with monthly reports on the progress made toward bringing the System into compliance with the OCCT implementation requirements. Each monthly report is due by the 10th calendar day of the following month.
 - d. Within 10 calendar days after completing all tasks included in the Schedule, Respondent must submit to the EPA a letter certifying the completion of the project and the installation of the OCCT. Such required certification can be provided using the enclosed inventory change form.
21. If Respondent incurs another lead action level exceedance, Respondent shall complete the public education materials required, including quarterly requirements until there is no longer a lead action level exceedance, and submit materials to the EPA for approval prior to distribution, according to 40 C.F.R. § 141.85(a).
Instructions on how to complete the public education requirements, a template with the required information, and a certification form are available at

<https://www.epa.gov/region8-waterops/lead-and-copper-rule-public-education-materials-community-water-systems>. Following approval of public education

materials by the EPA, Respondent shall deliver public education materials according to 40 C.F.R. § 141.85(b). Within 10 days after the distribution of public education materials, Respondent shall provide to EPA written documentation that the System has delivered the public education materials meeting the content requirements in § 141.85(a) and the delivery requirements in § 141.85(b), as well as a list of all recipients of the materials. 40 C.F.R. § 141.90(f)(1).

22. Respondent shall monitor the System's water for VOCs as required by Part 141. Respondent is next required to sample for volatile organic contaminants during 2026. 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).
23. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. 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).
24. Respondent shall monitor the chlorine residual at the same time that monthly Revised Total Coliform Rule (40 C.F.R. part 141 Subpart Y) samples are collected. 40 C.F.R. §§ 141.74(b), 141.75(a), and 141.132(c)(1). 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).
25. 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.
26. For any future violation of Part 141 for which this Consent 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.

27. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
28. 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 Consent 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 Consent Order.
29. Respondent must send all reporting and notifications required by this Consent Order to the EPA at:

Email: R8DWU@epa.gov and
tyson.elizabeth@epa.gov

GENERAL PROVISIONS

30. Respondent shall fully implement each item of this Consent Order. Respondent's failure to fully implement all requirements of this Consent Order in the manner and time period required shall be deemed a violation of this Consent Order.
31. This Consent Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Consent Order is not an election by the EPA to forgo any civil or criminal action.
32. Violation of any part of this Consent Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$49,848 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3 and 300j-6(b)(2); 40 C.F.R. part 19; 90 Fed. Reg. at 1375 (January 8, 2025).
33. This Consent Order may be amended or modified by written agreement of the EPA and Respondent.

34. The Effective Date of this Consent Order is the date upon which a fully executed copy is filed with the Regional Hearing Clerk.

This Consent Order shall terminate upon written request to and written approval by the EPA following successful completion of the requirements agreed to in the Consent Order. The EPA at its sole discretion may terminate the Consent Order upon determining full compliance and providing written notice to the Respondent.

IT IS SO AGREED AND ORDERED:

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,**
Complainant.

Date: _____

Colleen Rathbone, Branch Chief
Water Enforcement Branch
U.S. EPA Region 8

Administrative Order on Consent

U.S. Department of Veterans Affairs

Veterans Administration Medical Center Public Water System, ECN: 600.0290.2025_VAMedCtr

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**U.S. DEPARTMENT OF VETERANS
AFFAIRS,**
Respondent

Date: 10/17/2025

Stephen Petzold,
Acting Associate Director
Sheridan WY VA Medical Center
U.S. Department of Veterans Affairs