

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

June 26, 2020  
10:01 AM

IN THE MATTER OF:	)		
	)	Docket No. SDWA-08-2020-0030	Received by
Betty Roberts	)		EPA Region VIII
	)	<b>ADMINISTRATIVE ORDER</b>	Hearing Clerk
Respondent.	)		
	)		
Roberts Trailer Park Public Water System	)		
<u>PWS ID# WY5600377</u>	)		

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. Betty Roberts (Respondent) is an individual who owns and/or operates the Roberts Trailer Park Public Water System (System), which provides piped water to the public in Cook County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via 1 well, and the water is untreated.
4. The System has approximately 30 service connections used by year-round residents and/or regularly serves an average of approximately 32 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. Respondent is required to develop a written total coliform sample siting plan (SSP) that identifies sampling sites and a sample collection schedule representative of water throughout the distribution system by March 31, 2016 and submit it to the EPA for review. 40 C.F.R. § 141.853(a)(1). A January 29, 2018, Notice of Violation letter reminded the System that the previously reviewed SSP was incomplete and requested a revised submittal by November 18, 2017. An email from the EPA on February 8, 2019 deemed the SSP incomplete and required a revision to the submitted Sample Plan Chart as part of the SSP. Respondent failed to submit a revised sample chart to the EPA and therefore, violated this requirement.

8. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead and copper 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 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). 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 to the EPA and therefore violated these requirements.

9. For each calendar year, Respondent is required, no later than July 1<sup>st</sup> 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 they have 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 years 2017, 2018, and 2019 to the System's customers and provide the required certifications to the EPA by the required deadlines. Therefore, Respondent violated these requirements.

10. Respondent is required to monitor the System's water at least annually for styrene. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for styrene during years 2015, 2017, and 2019, and therefore, violated this requirement.

11. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a sanitary survey report from the EPA on March 18, 2019, which detailed any significant deficiencies. Respondent failed to complete all corrective actions by September 19, 2019, and/or failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement. Respondent has completed all necessary corrective actions to address the significant deficiencies however did so after the required deadline.

Corrective Actions Completed Late:

- The system needed an Emergency Response Plan (ERP) by 8/22/2018 that detailed emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. No further action is required.

12. 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 violation identified in paragraph 11, above, is classified as a Tier 2 violation, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondent failed to notify the public of the violation cited in paragraph 11, and/or failed to submit a copy to the EPA and therefore, violated this requirement.

13. 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 7, 8, 9, and 10, above, are classified as Tier 3 violations, requiring public notice and certification within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violations cited in paragraphs 7, 8, 9, and 10, and/or failed to submit a copy and certification to the EPA and therefore, violated this requirement.

14. 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, 8, 9, 10, and 11, 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):

15. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

16. Within 30 calendar days of receipt of this Order, Respondent shall develop a revised Sample Plan Chart for the SSP and submit in its entirety for the EPA to review. The plan must identify sampling sites (both routine and repeat) and a sample collection schedule that is representative of water throughout the distribution system, as required by 40 C.F.R. § 141.853(a)(1). A template can be found at <https://www.epa.gov/region8-waterops/revised-total-coli-form-rule-sample-siting-plan>.

17. Within 90 calendar days after receipt of this Order, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). The included link gives access to the template for the consumer notice certification: [https://www.epa.gov/sites/production/files/documents/LCR\\_CN\\_Certification\\_Form.pdf](https://www.epa.gov/sites/production/files/documents/LCR_CN_Certification_Form.pdf). 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).

18. For each calendar year, Respondent shall prepare and distribute a CCR by July 1<sup>st</sup> of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151-155.

19. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for styrene, in accordance with 40 C.F.R. § 141.24(f)(6). 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).

20. Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule (Schedule) and plan to the EPA for completion of all corrective actions. The 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 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. § 141.723(d).

21. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent shall 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 shall report the violation to the EPA within that different period.

22. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7, 8, 9, 10 and 11, above. 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>. 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).

23. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent shall 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-and-instructions-reporting-forms#new>.

24. 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 shall, 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 shall remain obligated to comply with this Order.

25. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and  
[hicks.nathaniel@epa.com](mailto:hicks.nathaniel@epa.com)

### **GENERAL PROVISIONS**

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

27. This Order shall 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.

28. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (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; 85 Fed. Reg. at 1754 (January 13, 2020).

29. 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: \_\_\_\_\_, 20\_\_.

**COLLEEN  
RATHBONE**

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RATHBONE  
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Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division