

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2023-0021
Fremont County Community)	
College District)	
d/b/a/ Central Wyoming College,)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Sinks Canyon Center)	
<u>PWS ID #WY5601366</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. The Fremont County Community College District is a body corporate empowered to operate and administer Central Wyoming College. Fremont County Community College District d/b/a Central Wyoming College will be referenced in this Order as the Respondent. The Respondent, the Sinks Canyon Public Water System (System), provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is treated via microfiltration units and is disinfected.
4. The System has approximately six service connections and regularly serves an average of approximately 85 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that regularly serves at least 25 of the same persons over six months per year and, as such, is also a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.
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. As of 2018 through 2021, Respondent was required to monitor the System’s water triennially for lead and copper, having previously qualified to reduce its required monitoring frequency from annually to triennially. 40 C.F.R. § 141.86(d). Respondent monitored the System’s water for lead and copper on August 29, 2018, and the next sampling was required between June 1, 2021, and September 30, 2021. Respondent failed to monitor the System’s water for lead and copper during that period and therefore,

violated this requirement. Due to this failure, reduced triennial monitoring was revoked, and Respondent was required to monitor for lead and copper annually.

8. As of 2022, Respondent was required to monitor the System's water for lead and copper annually, during the months of June through September. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during the June through September timeframe in 2022. Respondent sampled on October 26, 2022, and because the samples were late, violated this requirement. Due to this failure, reduced annual monitoring was revoked, and Respondent was required beginning on January 1, 2023, to monitor for lead and copper every six months.

9. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, to 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 identified violations in paragraphs 7 and 8, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. §141.204. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. The deadline for public notice of the violation cited in paragraph 8 has not yet passed.

10. 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 and 8, 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):

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

12. Respondent shall monitor the System's water for lead and copper in six-month monitoring periods between July 1 and December 31, 2023, and again between January 1 and June 30, 2024, and thereafter as directed by the EPA, according to the tiering criteria set forth in 40 C.F.R. §§ 141.86. Within the first 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving monitoring results, 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). Within three months 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).

13. For any future violation of Part 141 for which this 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.

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

15. If the population served by the System at least 60 days of the year falls below 25 individuals, Respondent must notify the EPA in writing by submitting a completed basic information form within 10 calendar days after the date the population falls below 25 individuals. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

16. 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 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 Order.

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

Email: R8DWU@epa.gov, and Brookins.Rachel@epa.gov

GENERAL PROVISIONS

18. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

19. This Order does 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.

20. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$67,544 (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 989 (January 6, 2023).

21. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Fremont County Community College District d/b/a Central Wyoming College
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Issued: July 27, 2023.

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