

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)
)
Town of Albin, Wyoming,) Docket No. SDWA-08-2021-0034
)
Respondent.) **ADMINISTRATIVE ORDER**
)
)
Town of Albin Public Water System)
PWS ID #WY5600189)

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 Town of Albin, Wyoming (Respondent), is a municipality that owns and/or operates the Town of Albin Public Water System (System), which provides piped water to the public in Laramie County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via five wells, Well #2 through Well #6. Each well has its own hypochlorite treatment except for Well #5 and Well #6 which share a single chlorinator.
4. The System has approximately 85 service connections used by year-round residents and/or regularly serves an average of approximately 181 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’s previous monitoring requirement for total trihalomethanes (TTHM) and haloacetic acids (HAA5) was at a reduced frequency of once every three years in accordance with 40 C.F.R. § 141.623. Respondent failed to monitor the System’s water for TTHM and HAA5 during August 2020 and therefore, violated this requirement.
8. Respondent is required to monitor the System’s water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment once every three-year compliance period. 40 C.F.R. § 141.24(h)(4)(iii). Respondent failed to monitor for ethylene dibromide, endoathal, and 1,2-dibromo-3-chloropropane at the Treatment Plant Sampling Point (TP01/SP04) and at the Treatment Plant #4 Sampling Point (TP04/SP03) between January 1, 2017, and December 31, 2019 and therefore, violated this requirement. Respondent also failed to monitor for

endothall at the Treatment Plant #2 Sampling Point (TP02/SP01) and at the Treatment Plant #3 Sampling Point (TP03/SP02), between January 1, 2017, and December 31, 2019, and therefore, violated this requirement. Respondent did collect the required SOC samples on December 31, 2019; however, the samples contained air bubbles and could not be analyzed by the lab and had to be recollected. New samples were collected on January 14, 2020.

9. 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 November 2019 and therefore, violated this requirement.

10. 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). The EPA sent the Respondent a sanitary survey report dated April 11, 2016, which detailed significant deficiencies. The EPA approved a corrective action schedule to complete corrective actions by September 30, 2017. The EPA's records reflect that Respondent failed to complete all corrective actions by September 30, 2017 or failed to notify the EPA of corrective action completion by September 30, 2017, and therefore, violated this requirement.

11. 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 9, above, is classified as a violation requiring a Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The violation identified in paragraph 10, above, is classified as a violation requiring Tier 2 public notice no later than 30 calendar days after the System learns of the violation and every three months as long as the violation or situation persists, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in paragraphs 9 and 10 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. The public was notified of the violations in paragraph 8 in the 2019 Consumer Confidence Report. The deadline for Tier 3 public notice of the violation cited in paragraph 7 has not yet passed.

12. 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, 10, and 11, above, to the EPA and therefore, violated this requirement.

13. 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 9, 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):

14. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
15. During August 2021, and thereafter as directed by the EPA, Respondent shall monitor the System's water for TTHM and HAA5 in accordance with the System's TTHM and HAA5 monitoring plan, as required by 40 C.F.R. §§ 141.621-623. Respondent shall submit the sampling results to the EPA within 10 calendar days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.
16. Respondent shall monitor the System's water for SOCs as required by Part 141. Respondent is next required to sample for SOCs between January 1, 2020 and December 31, 2022. 40 C.F.R. § 141.24(h). Respondent shall report results to the EPA within the first 10 calendar days following the month in which the result is received, or the first 10 days following the end of the required monitoring period, whichever of these is shortest. 40 C.F.R. § 141.31(a).
17. 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).
18. 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 and plan to the EPA for completion of all corrective actions. 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).

Corrective Actions:

- The well vent for Well WL02-Town of Albin No. 2 (Well #2) must be covered with #24-mesh corrosion-resistant screen.
- The well vent for Well WL03-Albin Water Station (Well #3) must be covered with a #24-mesh corrosion-resistant screen.

- The gauge on the flange of the well head for Well WL03-Albine Water Station (Well #3) must be repaired or replaced and the spilled fluids cleaned up and properly disposed.
- The air release-vacuum relief valve for Well WL03-Albine Water Station (Well #3) must be covered with #24-mesh corrosion-resistant screen.
- The piping for the air release-vacuum relief valve for Well WL04-Town of Albin #4 (Well #4) must terminate in a downturned position.
- The piping for the air release-vacuum relief valve for Well WL04-Town of Albin #4 (Well #4) must be covered with a #24-mesh corrosion-resistant screen.
- The mice or other animals and their droppings must be removed from the immediate area of the Town of Albin #4 (Well #4-WL04).
- The leaks in the tank and/or piping in Town of Albin #4 (Well #4-WL04) must be repaired or the components must be replaced.
- The hatch for Tank ST01 (Tank 25K, Small) must have a neoprene gasket to seal the hatch lid to the frame tightly.
- The hatch for Tank ST02 (Tank 100K, Large) must have a neoprene gasket to seal the hatch lid to the frame tightly.
- System needs an Emergency Response Plan (ERP) that must detail emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions and other emergency conditions.

19. Within 30 calendar days after receipt of the EPA's approval of the Schedule, Respondent must begin providing the EPA with quarterly reports on the progress made toward bringing the System into compliance through completing corrective action of significant deficiencies. Each quarterly report is due by the 10th calendar day of the month following the relevant quarter.

20. The System must achieve compliance by completing all corrective actions by the final compliance deadline specified in the Schedule. If Respondent's plan fails to achieve permanent compliance, the EPA may order further steps, seek penalties for noncompliance, or both.

21. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations in paragraphs 9 and 10, and thereafter, Respondent shall continue to notify the public quarterly of the violation in paragraph 10 as long as the violation persists. 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>.

22. 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.

23. 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.

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

Email: R8DWU@epa.gov, and
minter.jill@epa.gov

GENERAL PROVISIONS

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

26. 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.

27. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative penalty of up to \$59,017 (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 83821 (December 23, 2020).

28. 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: July 26, 2021.

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