



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

April 22, 2021

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

The Honorable Rola Ross, Mayor
Town of Manville, Wyoming
townofmanville@vcn.com
raross@wyomail.com

Re: Administrative Order issued to the Town of Manville regarding the Manville Public Water System, PWS ID #5600110, Docket No.SDWA-08-2021-0019

Dear Mayor Ross:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Town of Manville (Town), as owner and/or operator of the Manville Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Town believes the EPA may not have (*e.g.*, any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Town, the EPA will assume this information is correct. If the Town complies with the Order, the EPA may close the Order without further action.

Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$59,017 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

EPA acknowledges that the COVID-19 pandemic may be impacting your Town. If the Town has specific COVID-19 issues that would affect the timeframes listed herein, please contact Jill Minter via email at minter.jill@epa.gov or by phone at (800) 227-8917, extension 6084, or (303) 312-6084 within 7 days of receiving this Administrative Order. The EPA may, in its discretion, consider granting an extension.

If you have any questions, please contact Jill Minter at the email and phone number listed in the above paragraph. 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**

Digitally signed by
COLLEEN RATHBONE
Date: 2021.04.22 06:50:50
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Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Niobrara County Commissioners (nfsupply59@gmail.com)
Melissa Haniewicz, EPA Regional Hearing Clerk
Steven Kent, Operator (townofmanville@vcn.com)
Kenneth Guinard, Alternate Operator (townofmanville@vcn.com)
Melody Miles, Town Clerk (townofmanville@vcn.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

April 22, 2021

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)
)
Town of Manville,) Docket No. SDWA-08-2021-0019
)
Respondent.) **ADMINISTRATIVE ORDER**
)
)
Manville Public Water System)
PWS ID # WY5600110)

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 Manville, Wyoming (Respondent), is a municipality that owns and/or operates the Manville Public Water System (System), which provides piped water to the public in Niobrara County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is treated with sodium hypochlorite. Respondent inactivated wells #1 and #2 and activated a new well #4, creating a new mix of water supplies (wells #3 and #4) with increased monitoring requirements beginning April 2019.
4. The System has approximately 69 service connections used by year-round residents and regularly serves an average of approximately 52 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 monitor the System’s water for volatile organic contaminants (VOCs), at every entry point to the distribution system which is representative of each well after treatment, during four consecutive quarters from the 2nd Quarter 2019 to the 1st Quarter 2020. 40 C.F.R. §§ 141.24(f)(4) and (f)(22). Respondent sampled for VOCs on June 11, 2019 (2nd Quarter 2019) and September 30, 2019 (3rd Quarter 2019), but failed to monitor the System’s water for VOCs during the 4th Quarter 2019 and 1st Quarter 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, during four consecutive quarters from the 2nd Quarter 2019 to the 1st Quarter 2020. 40 C.F.R.

§§ 141.24(h)(4) and (h)(20). Respondent sampled for SOCs on June 11, 2019 (2nd Quarter 2019) and September 30, 2019 (3rd Quarter 2019), but failed to monitor the System's water for SOCs during the 4th Quarter 2019 and 1st Quarter 2020, and therefore violated this requirement.

9. Respondent is required to monitor the System's water for radionuclides for four consecutive quarters. 40 C.F.R. § 141.26(a)(1)(ii) and (a)(2)(i). Respondent failed to monitor the System's water for radionuclides during the 4th Quarter 2019 and therefore, violated this requirement.

10. 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 failed to prepare and distribute an annual CCR for calendar years 2018 and 2019 to the System's customers and to the EPA and/or failed to provide a certification to the EPA for years 2018 and 2019. Therefore, Respondent violated these requirements.

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 violations identified in paragraphs 7, 8 and 9, above, are classified as Tier 3 violations, requiring public notice 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 and 9 and/or failed to submit a copy to the EPA and therefore, violated this requirement.

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, 9 and 10, 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):

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

14. Respondent shall monitor the System's water for VOCs during the 1st Quarter 2021, and thereafter in compliance with 40 C.F.R. § 141.24(f). 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).

15. Respondent shall monitor the System's water for SOCs during the 1st Quarter 2021, and thereafter in compliance with 40 C.F.R. § 141.24(h). 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).

16. Respondent shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). Respondent is next required to sample for radionuclides between January 1 and December 31, 2023. 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).

17. Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, for the System for calendar years 2018 and 2019 and distribute the 2018 and 2019 CCR to the System's customers and the EPA and (2) certify to the EPA that each CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

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

19. 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.

20. 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.

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

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

GENERAL PROVISIONS

22. 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.


23. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil 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).

24. 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: April 22, 2021.

**COLLEEN
RATHBONE**

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

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