

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

Sep 17, 2024

11:30 am

**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF:

Oakley Water Service, LLC,
and Dale Barnes,

Respondents.

Oakley Water, LLC
PWS ID #WY5601733

)
) Docket No. SDWA-08-2024-0045
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)

ADMINISTRATIVE ORDER

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. Oakley Water Service, LLC, and Dale Barnes, Chairman of Oakley Water Service, LLC (Respondents), are a Wyoming corporation and an individual, respectively, that own and operate the Oakley Water LLC Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System purchases water from Kemmerer–Diamondville JPB Public Water System (WY5600028), which is supplied by a surface water source accessed via the New Hams Fork River Intake. The Kemmerer-Diamondville JPB Public Water System treats its water via coagulation/flocculation/sedimentation followed by membrane filtration and chlorination. No additional treatment is provided at the System.
4. The System has approximately 18 service connections used by year-round residents and regularly serves an average of approximately 39 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. Respondents are “persons” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f (12) and are 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 Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondents failed to monitor the System's water for total coliform bacteria during September, October, November, and December 2023; and January, February, March, April, May, June, and July 2024 and therefore, violated this requirement.
8. Respondents are 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; the measured residual value must be reported to EPA. See 40 C.F.R. §§ 141.74(c)(3)(i), and 141.75(b)(2)(iii). Respondents failed to monitor for the chlorine residual at the same time the monthly Revised Total Coliform Rule samples were collected and report the measured residual value to the EPA during September, October, November, and December 2023; and January, February, March, April, May, June, and July 2024, and therefore, violated this requirement.
9. Respondents are required to monitor the System's tap water for lead and copper during two consecutive six-month monitoring periods in accordance with initial monitoring requirements. 40 C.F.R. § 141.86(d). Respondents failed to monitor the System's water for lead and copper during the July to December 2023 period and the January to June 2024 period, and therefore, violated this requirement.
10. Respondents are 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). Respondents failed to report the violations cited in paragraphs 8 and 9, above, to the EPA and therefore, violated this requirement.
11. Respondents are 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). Respondents failed to report the violations listed in paragraph 7, above, to the EPA and therefore, violated this requirement.

ORDER

Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

12. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
13. Respondents 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, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents 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).
14. Respondents 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 and report the measured residual value on the same sampling slip that is sent to the laboratory as required by 40 C.F.R. §§ 141.74(c)(3)(i), and 141.75(b)(2)(iii).
15. Respondents shall monitor the System's water for lead and copper, first by December 31, 2024, again between January 1 and June 30, 2025, and thereafter as directed by the EPA, according to the System's LCR Tap Sample Site Plan, as required by 40 C.F.R. § 141.86(a)-(d). Within the first 10 calendar days following the end of each monitoring period, Respondents shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 days of receiving monitoring results, Respondents shall deliver a consumer notice of individual tap results from lead tap water monitoring to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 days following the end of each monitoring period, Respondents 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).

16. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents 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, Respondents must report the violation to the EPA within that different period.
17. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondents 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>.
18. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents 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, Respondents will remain obligated to comply with this Order.
19. Respondents must send all reporting and notifications required by this Order to the EPA at:

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

GENERAL PROVISIONS

20. This Order is binding on Respondents, Respondents' successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.
21. 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.

22. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$69,733 (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 89309 (December 27, 2023).
23. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: September 17, 2024.

Tiffany Cantor, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division