

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

IN THE MATTER OF:	)	
	)	Docket No. SDWA-08-2021-0033
Town of Dubois,	)	
	)	<b>ADMINISTRATIVE ORDER</b>
Respondent	)	
	)	
Town of Dubois Public Water System	)	
<u>PWS ID #WY5600177</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 Town of Dubois, Wyoming (Respondent) is a municipality that owns and/or operates the Town of Dubois Public Water System (System), which provides piped water to the public in Fremont County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via two wells which pump directly into the distribution system. At each well site, the water is disinfected with sodium hypochlorite and orthophosphate is utilized for corrosion control. Surplus water is stored within two tanks.
3. The System has approximately 645 service connections used by year-round residents and regularly serves an average of approximately 971 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.
4. 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).
5. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

6. Respondent is required to collect total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System’s distribution system during the month of the highest disinfectant byproduct concentrations at the locations and on the date identified in the System’s monitoring plan. 40 C.F.R. §§ 141.621 and 141.622(a)(1). Respondent failed to monitor the System’s water for TTHM and HAA5 during August 2020 and therefore, violated this requirement.

7. Respondent is required to monitor the System's water for inorganic contaminants (IOCs), volatile organic contaminants (VOCs) and synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment during every 3-year compliance period. 40 C.F.R. §§ 141.23(a) and (c) and 141.24(f)(6) and (h). Respondent failed to monitor the System's water for IOCs/VOCs/SOCs between January 1, 2017 and December 31, 2019, and therefore, violated this requirement. Respondent did monitor for IOCs/VOCs/SOCs on July 13, 2020.
8. 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 December 2020 and therefore, violated this requirement.
9. 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 6 and 7, above, to the EPA and therefore, violated this requirement.
10. 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 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 annually for TTHM and HAA5 at the specific location during the month identified in the System's monitoring plan, as required by 40 C.F.R. §§141.620-141.622. Respondent is next required to sample for TTHM and HAA5 in August 2021. 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.
13. Respondent shall monitor the System's water for IOCs/VOCs/SOCs as required by 40 C.F.R. §§ 141.23(a) and (c) and 141.24(f)(5) and (h). Respondent is next required to sample for IOCs/VOCs/SOCs during the triennial period, between January 1, 2023, and December 31, 2025. 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).

14. 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).

15. 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.

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  
Minter.jill@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 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).

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).

Issued: July 26, 2021.

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