

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

IN THE MATTER OF: )  
)  
Antelope County Water and Sewer )  
District, )  
)  
Respondent. )  
)  
Antelope County Water and Sewer Public )  
Water System )  
PWS ID #MT0003203 )

Docket No. SDWA-08-2026-0034

**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. Antelope County Water and Sewer District (Respondent) is a public body created by or pursuant to Montana law that owns and operates the Antelope County Water and Sewer Public Water System (System). This System provides piped water to the public in Sheridan County, Montana, for human consumption.
3. The System is supplied by purchased surface water accessed via an interconnect.
4. The System has approximately 36 service connections used by year-round residents and regularly serves an average of approximately 59 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 sections 1401(4) and (15) of the Act, 42 U.S.C. §§ 300f(4) and (15).
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). Respondent is a “supplier of water” within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
6. EPA promulgated the original Lead and Copper Rule (LCR), 40 C.F.R. § 141.80 *et seq.*, in 1991.
7. On January 15, 2021, EPA promulgated the Lead and Copper Rule Revisions (LCRR). On December 6, 2023, EPA published the proposed Lead and Copper Rule

Improvements (LCRI). On October 30, 2024, EPA promulgated the final LCRI. 89 Fed. Reg. 86418 (October 30, 2024).

8. The LCRI modified most of the requirements in the LCRR and established a compliance date of November 1, 2027, for those provisions. The LCRI also incorporated select provisions from the 2021 LCRR, including the October 16, 2024, compliance deadline for initial service line inventories.
9. When a state does not have primary enforcement responsibility for public water systems, EPA is authorized to take enforcement action under section 1414(a)(2) of the Act, 42 U.S.C. § 300g-3(a)(2).
10. The Montana Department of Environmental Quality (MDEQ) administers the Public Water Supply Supervision Program in Montana pursuant to section 1413 of the Act, of the Act, 42 U.S.C. § 300g-2. MDEQ has not yet obtained primary enforcement responsibility for the LCRI, therefore, EPA has primary responsibility for enforcement of the LCRI for the State of Montana (State).

### **VIOLATIONS**

11. As required by 40 C.F.R. § 141.84(a), a water system must develop a service line inventory that identifies the materials of all service lines connected to the public water distribution system. Systems were required to develop and submit an initial service line inventory by October 16, 2024, pursuant to the reporting requirements of 40 C.F.R. §§ 141.84(a)(1) and 141.90(e)(1). Respondent failed to develop and submit the System's required initial service line inventory to the State by the October 16, 2024, deadline (Note: Respondent submitted a service line inventory on May 22, 2025).
12. Failure to develop an initial inventory by October 16, 2024, requires Tier 2 Public Notification (PN) within 30 calendar days, with the public notice to be repeated every three months and for notice to remain in place for as long as the violation or situation persists, pursuant to 40 C.F.R. Subpart Q of Part 141 (Subpart Q), Appendix A. Within 10 calendar days after providing public notice, a copy of the PN and a certification of completion must be provided to the State. Respondent failed to provide Tier 2 PN to the persons served by the System and certify its completion to

the State as required by Subpart Q.

13. Failure to submit an initial inventory to the State by October 16, 2024, requires Tier 3 PN within one year pursuant to Subpart Q, Appendix A. Within 10 calendar days after providing public notice, a copy of the PN and a certification of completion must be provided to the State. Respondent failed to provide a Tier 3 PN to the persons served by the system and certify its completion to the State as required by Subpart Q.
14. EPA is issuing this Order to address the violations enumerated above and to place Respondent on an enforceable schedule to comply with the LCRI.

### **ORDER**

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

15. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
16. For any future violation of this Order that does not specify a reporting period, Respondent must report the violation to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
17. Within 30 days after the effective date of this Order, Respondent shall issue Tier 2 PN for its failure to develop its initial service line inventory, as required by 40 C.F.R. § 141.203. Within 10 calendar days after providing public notice, Respondent shall provide a copy of the PN and certification to the addressees specified in paragraph 21.
18. Within 30 days after the effective date of this Order, Respondent shall issue Tier 3 PN for its failure to submit its initial service line inventory, as required by 40 C.F.R. § 141.204. Within 10 calendar days after providing public notice, Respondent shall provide a copy of the PN and certification to the addressees specified in paragraph 21.
19. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the State and EPA in writing within 10 calendar days.

20. If Respondent (a) leases, sells, or otherwise transfers 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 after such transfer or contract, provide a copy of this Order to the lessee, purchaser, or contractor and notify the State and EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.
21. Respondent must send all reporting and notifications required by this Order to:  
Email: Brookins.Rachel@epa.gov  
and Gregory.Montgomery@mt.gov

### **GENERAL PROVISIONS**

22. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
23. 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 EPA to forgo any civil or criminal action.
24. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$71,545 (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; 90 Fed. Reg. at 1377 (January 8, 2025).
25. 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: February 3, 2026.

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