

FILED

8/23/2024

3:06 PM

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2024-0040
Hagens Estates Homeowners’ Association, Inc.)	
)	
Respondent.)	ADMINISTRATIVE ORDER
)	
Hagens Estates Public Water System)	
<u>PWS ID #WY5601739</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. Hagens Estates Homeowners’ Association, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Hagens Estates Public Water System (System), which provides piped water to the public in Campbell County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is treated by sodium hypochlorite.
4. The System has approximately 10 service connections used by year-round residents and/or regularly serves an average of approximately 29 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 asbestos during the first three-year compliance period at the ST01/SP01 sampling point, which is representative of the well after treatment. 40 C.F.R. §§ 141.23(a) and (b). Respondent must monitor the System’s water at the time designated by the EPA during each compliance period. 40 C.F.R. § 141.23(j). The EPA notified the Respondent that it must monitor the System’s water for asbestos during the fourth quarter of 2023. Respondent failed to monitor for asbestos during the fourth quarter of 2023 and therefore violated this requirement.

8. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) during its first quarter of operation at the ST01/SP01 sampling point, which is representative of the well after treatment. 40 C.F.R. §§ 141.23(a) and (c)(9). Respondent failed to monitor for IOCs during its first quarter of operation and therefore violated this requirement.
9. Respondent is required to monitor the System's water annually for nitrate at the ST01/SP01 sampling point, which is representative of the well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent must monitor the System's water at the time designated by the EPA during each compliance period. 40 C.F.R. § 141.23(j). The EPA notified the Respondent that it must monitor for nitrate during the fourth quarter of 2023. Respondent failed to monitor for nitrate during the fourth quarter of 2023 and therefore violated this requirement.
10. Respondent is required to monitor the System's water for nitrite during the first three-year compliance period at the ST01/SP01 sampling point, which is representative of the well after treatment. 40 C.F.R. §§ 141.23(a) and (e). Respondent must monitor the System's water at the time designated by the EPA during each compliance period. 40 C.F.R. § 141.23(j). The EPA notified the Respondent that it must monitor the System's water for nitrite during the fourth quarter of 2023. Respondent failed to monitor for nitrite during the fourth quarter of 2023 and therefore violated this requirement.
11. Respondent is required to monitor the System's water quarterly for volatile organic contaminants (VOCs) at the ST01/SP01 sampling point, which is representative of the well after treatment, during four consecutive quarters. 40 C.F.R. §§ 141.24(f)(4) and (f)(22). Respondent failed to monitor for VOCs during the fourth quarter of 2023 and the first quarter of 2024 and therefore violated this requirement.
12. Respondent is required to monitor the System's water quarterly for synthetic organic contaminants (SOCs) at the ST01/SP01 sampling point, which is representative of the well after treatment, during four consecutive quarters. 40 C.F.R. §§ 141.24(h)(4) and (h)(20). Respondent failed to monitor for SOCs during the fourth quarter of 2023 and the first quarter of 2024 and therefore violated this requirement.
13. Respondent is required to monitor the System's water quarterly for radionuclides at the ST01/SP01 sampling point, which is representative of the well after treatment, during four consecutive quarters. 40 C.F.R. § 141.26(a). Respondent failed to monitor for radionuclides during the fourth quarter 2023, the first quarter 2024, and the second quarter 2024 and therefore violated this requirement.
14. 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 for total coliform bacteria

during December 2023, January 2024, February 2024, and March 2024 and therefore violated this requirement. (Note: Respondent did monitor for total coliform in April 2024 and subsequent months.)

15. 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 7-13, above, to the EPA and therefore violated this requirement.

16. 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 14, above, to the EPA and therefore violated this requirement.

ORDER

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

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

18. Respondent is required to take a minimum of one asbestos sample at the entry point to the distribution system which is representative of each well after treatment beginning in the initial compliance period, as required by Part 141. Respondent is next required to sample for asbestos during this quarter (between July 1 and September 30, 2024). 40 C.F.R. §§ 141.23(a) and (b). 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).

19. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c). 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).

20. Within 30 calendar days after receipt of this Order and as required by Part 141 thereafter, Respondent shall monitor the System's water for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and (d). 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).

21. Within 30 calendar days after receipt of this Order or within 30 calendar days of opening for the year, and as required by Part 141 thereafter, Respondent shall monitor the System's water quarterly for nitrite, in accordance with 40 C.F.R. §§ 141.23(a) and (e). 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).
22. Within 30 days of receipt of this order Respondent shall monitor quarterly the System's water for VOCs, and during each of the following three consecutive quarters, and thereafter in compliance with 40 C.F.R. § 141.24(f)(4) and (f)(22). 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).
23. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for SOCs in accordance with 40 C.F.R. § 141.24(h)(4) and (h)(20). 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).
24. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). 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).
25. 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).
26. 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.
27. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

28. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals, Respondent 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>.

29. 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.

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

Email: RSDWU@epa.gov, and Bell.marlon@epa.gov

GENERAL PROVISIONS

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

32. 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.

33. Violation of any part of this Order, the Act, or Part 141 may subject Respondent 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).

34. 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: August 23, 2024.

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