

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: )  
)  
) Docket No. SDWA-08-2024-0012  
)  
) Wyoming Department of State Parks  
) and Cultural Resources )  
)  
) Respondent. )  
)  
)  
) Keyhole State Park Cottonwood CG )  
)  
) PWS ID #WY5600652 )

**ADMINISTRATIVE ORDER**

**FILED**

**1/17/2024**

**12:20 PM**

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

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. Wyoming Department of State Parks and Cultural Resources (Respondent) is a Wyoming State Agency that owns and operates the Keyhole State Park Cottonwood CG Water System (System), which provides piped water to the public in Crook County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is treated by liquid sodium hypochlorite. The System is operated seasonally from May to September.
4. The System has approximately 13 service connections and regularly serves an average of approximately 25 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient non-community water system” as defined in 40 C.F.R. § 141.2.
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).

**VIOLATIONS**

6. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The EPA sent the Respondent a sanitary survey report dated September 21, 2021, which detailed significant deficiencies. The EPA approved a corrective action schedule to complete corrective actions by April 30, 2022. The EPA’s records reflect that the Respondent failed to complete all corrective actions by April 30, 2022, and failed to notify the EPA within 30 calendar days of completion of a deficiency corrective action, and therefore violated these requirements.
7. 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 paragraph 6, above, are classified as violations requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA’s records reflect

that the Respondent failed to notify the public of the violation cited in paragraph 6 and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement.

8. 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 violation cited in paragraph 6, 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):

9. Prior to opening for the 2024 season, Respondent shall consult with the EPA regarding the action to correct significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion to the EPA, including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Action:

- Cottonwood Well (WL01) – SD#1: All openings must be sealed and watertight to prevent contamination of the well.
- Cottonwood Well (WL01) – SD#2: The well must be fitted with a functioning sanitary seal and a tightly bolted cap to prevent contamination of the well.
- Pressure Tank ID: PC02 – SD#3: Pressure Tank in Treatment Building - The corrosion on the tank must be repaired or the tank must be replaced. Failure to maintain the structural and sanitary integrity of the tank could lead directly to contamination within the tank, illness and/or the loss of property.

10. The System must achieve compliance with the plan by the final compliance deadline specified in the Schedule. If Respondent's plan fails to achieve permanent compliance, the EPA may order further steps, seek penalties for noncompliance, or both.

11. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 6, above, persist, Respondent shall notify the public of these violations. 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). 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>.

12. 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.

13. If the population 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>.

14. 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.

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

Email: R8DWU@epa.gov, and Bell.Marlon@epa.gov

#### **GENERAL PROVISIONS**

16. This Order is binding on Respondent, his assigns and heirs and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

17. 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.

18. 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) changes annually, please check 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 89,309 (December 27, 2023).

19. 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: January 17, 2024.

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