

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

August 19, 2020
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IN THE MATTER OF:)		
)	Docket No. SDWA-08-2020-0042	Received by
Town of Chugwater)		EPA Region VIII
)	ADMINISTRATIVE ORDER	Hearing Clerk
Respondent.)		
)		
Town of Chugwater Public Water System)		
<u>PWS ID #WY5600200</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 Chugwater, Wyoming (Respondent), is a municipality that owns and operates the Town of Chugwater Public Water System (System), which provides piped water to the public in Platte County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 3 wells. The water is treated with sodium hypochlorite.
4. The System has approximately 169 service connections used by year-round residents and/or regularly serves an average of approximately 200 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 synthetic organic contaminants (SOCs) at least once in every three-year compliance period at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System’s water for SOC’s during the compliance period of January 1, 2017 to December 31, 2019, and therefore, violated this requirement.
8. Respondent is required to monitor the System’s water quarterly at each sampling point which resulted in a detection at a level exceeding 0.0005 mg/L for any organic contaminant listed in §141.61(a) (2) through (21). §141.24(f)(11). On August 21, 2018, the results of a sample taken at the New Treatment House (TP02) Sampling Point for total xylenes exceeded the 0.0005 mg/L value. Respondent failed to monitor the System’s water for total xylenes during the second quarter of 2019 and therefore, violated this requirement. On September 10, 2019, Respondent monitored the System’s total xylenes at the TPO2 Sampling Point. The result was non-detectable for total xylenes. On October 18, 2019, the

EPA reduced the System's sampling frequency for total xylenes to annual monitoring beginning on January 1, 2020.

9. Respondent is required to monitor the System's water annually for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during 2019 and therefore, violated this requirement. On March 25, 2020, Respondent monitored the System's water for nitrate at TP01 but not TP02.

10. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and distribute annual CCRs for calendar years 2018 and 2019 to the System's customers and to the EPA by July 1st of the following year. The 2018 CCR was received on September 6, 2019, the 2018 CCR Certification was received on September 17, 2019, and the 2019 CCR has not yet been received. Therefore, Respondent violated the requirement to prepare and distribute the 2018 and 2019 CCRs by July 1st of the following year. Respondent is in compliance for the 2018 CCR certification.

11. Respondent is required to report any failure to comply with any National Primary Drinking Water Regulations Part 141 to the EPA within 48 hours (except where Part 141 specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8, 9, and 10 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):

12. 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). 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).

13. Respondent shall monitor the System's water for total xylenes as required by Part 141. Respondent is next required to sample for total xylenes at the New Treatment House (TP02) Sampling Point between January 1 and December 31, 2020. 40 C.F.R. § 141.24(f). 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 for nitrate annually, in accordance with 40 C.F.R. §§ 141.23(a) and (d) at every entry point to the distribution System (TP01 and TP02) which is representative of each well after treatment. The next nitrate samples shall be collected at TP02 by December 31, 2020 and at TPO1 and TP02 between January 1 and December 31, 2021. 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. Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, for the System for the calendar year 2019 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the 2019 CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

16. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.

17. 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 shall, 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 shall remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

19. This Order shall 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 penalty of up to \$58,328 (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 1754 (January 13, 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: August 19, 2020.

COLLEEN RATHBONE
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COLLEEN RATHBONE
Date: 2020.08.19 14:08:56
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Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division