

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2023-0014
Town of Superior,)	
)	ADMINISTRATIVE ORDER
Respondent.)	
)	
Town of Superior Public Water System)	
<u>PWS ID #WY5600092</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 Superior, Wyoming (Respondent) is a municipality that owns and operates the Town of Superior Public Water System (System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via three wells. The water is treated by green sand filtration and is disinfected.
4. The System has approximately 120 service connections used by year-round residents and regularly serves an average of approximately 336 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 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 location and on the date identified in the System’s monitoring plan. 40 C.F.R. §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the System’s water for TTHM and HAA5 during the months of August 2020, August 2021, and August 2022, and therefore, violated this requirement.
8. Respondent, having previously met the criteria for reduced monitoring, was required to monitor the System’s tap water for lead and copper triennially beginning January 1, 2019. Systems monitoring triennially must conduct the lead and copper tap sampling during the months of June through September. 40 C.F.R. § 141.86(d)(4)(iv). Respondent failed to monitor the System’s water for lead and copper during the June through September 2021 monitoring period. Respondent sampled on October 19, 2021, and because the samples were late, violated this requirement. Due to this failure, reduced triennial monitoring has been revoked and Respondent was required to monitor for lead and copper annually beginning in 2022 during the months of June through September.
9. Respondent was required to monitor the System’s tap water for lead and copper annually, beginning in 2022, during the months of June through September. 40 C.F.R. § 141.86(d)(4)(iv). Respondent failed to monitor the System’s water for lead and copper during the June through September timeframe within the 2022 monitoring

period. Respondent sampled on December 21, 2022, and because the samples were late, violated this requirement. Due to this failure, reduced annual monitoring was revoked, and Respondent is now required to monitor for lead and copper every six months beginning on January 1, 2023.

10. 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 2022 and therefore, violated this requirement.

11. Respondent is required to monitor the System's water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment at least once in every three-year compliance period. 40 C.F.R. § 141.24(h)(4)(iii). Respondent failed to monitor the System's water for SOC's between January 1, 2020, and December 31, 2022, and therefore, violated this requirement.

12. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) at every entry point to the distribution System which is representative of each well after treatment once in every three-year compliance period. 40 C.F.R. § 141.24(f)(5) and (6). Respondent failed to monitor the System's water for VOCs between January 1, 2020, and December 31, 2022, and therefore, violated this requirement.

13. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment once during every three-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for IOCs between January 1, 2020, and December 31, 2022, and therefore, violated this requirement.

14. 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 distribute the System's CCR for calendar year 2021 to the EPA and, therefore, Respondent violated these requirements.

15. 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 identified violations in paragraphs 7 through 13 above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the 2020 and 2021 violations cited in paragraph 7 and the violation cited in paragraph 8 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. The deadlines for public notice of the 2022 violation cited in paragraph 7 and the violations cited in paragraphs 9 through 13 have not yet passed.

16. 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 through 14, 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):

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 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 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.
19. Respondent shall monitor the System's water for lead and copper in 6-month monitoring periods between January 1 and June 30, 2023, and again between July 1 and December 31, 2023, and thereafter as directed by the EPA, according to the tiering criteria set forth in 40 C.F.R. §§ 141.86. Within the first 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. 141.90(f)(3).
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, 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). 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 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for VOCs, in accordance with 40 C.F.R. § 141.24(f)(5) and (6). 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 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).
24. Within 30 calendar days after receipt of this Order, Respondent shall send a copy of the System's CCR for calendar year 2021 to the EPA. Thereafter, for each calendar year, Respondent shall prepare and distribute a CCR by July 1st of the following year and provide a certification to the EPA within three months, as required by 40 C.F.R. §§ 141.151- 155.
25. 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.

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26. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 13, above. 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>.

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

Email: R8DWU@epa.gov, and brookins.rachel@epa.gov

GENERAL PROVISIONS

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

29. 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.

30. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$67,544 (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 989 (January 6, 2023).

31. 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: June 13, 2023.

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