



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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4/11/2022

9:36 AM

Received by
EPA Region VIII
Hearing Clerk

April 11, 2022

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mrs. Rose Arndt, Mayor
Town of Cokeville
tocmayor@allwest.net

Re: Violation of Town of Cokeville Administrative Order, Docket No. SDWA-08-2020-0047
Town of Cokeville Public Water System, PWS ID #WY5600015

Dear Mayor Arndt:

The purpose of this letter is to provide notice of violation of the above-referenced Administrative Order (Order) and to inform you that the EPA may file an administrative complaint seeking civil penalties if the Town of Cokeville Public Water system (System) accrues additional violations of this Order. Specifically, on September 17, 2020, the EPA issued the Order directing the Town of Cokeville (Town) to comply with the National Primary Drinking Water Regulations (Part 141) issued by the EPA under the Safe Drinking Water Act (Act), 42 U.S.C. section 300f, *et seq.* Our records indicate that Town is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 15, 16 and 18 on page 3 of the Order), which have not been fulfilled:

- In compliance with the Lead and Copper Rule: Respondent shall monitor the System's water for lead and copper between June 1, 2020, and September 30, 2020. Respondent failed to collect the proper number of lead and copper samples between June 1, 2020, and September 30, 2020. Respondent collected lead and copper samples on August 12, 2021.
- In compliance with the Lead and Copper Rule: 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). Respondent failed to deliver a lead consumer notice to the persons served at each sampled site for the June to September 2020 monitoring period by December 31, 2020. Respondent subsequently submitted the consumer notice and certification to EPA on March 19, 2021.

- In compliance with the Consumer Confidence Report Rule: Respondent shall (1) prepare an annual Consumer Confidence Report (CCR), to include all information required by 40 C.F.R. §§ 141.153 and 154 for the System and distribute the CCR to the System's customers and the EPA. Respondent failed to submit the 2019 CCR by the required deadline of July 1, 2019. Respondent submitted the 2019 CCR report on February 22, 2021.
- In compliance with the Consumer Confidence Rule Report: For each calendar year, Respondent shall certify to the EPA that the CCR has been distributed to the System's customers, and that the information is correct and consistent with compliance monitoring data previously submitted to the EPA, as required by 40 C.F.R. § 141.155. Respondent failed to submit CCR certification to the EPA for the 2019 CCR report by October 1, 2019. Respondent submitted the 2019 CCR certification on April 2, 2021.

In other words, the Town is required to monitor the System's water for lead and copper and failed to monitor the System's water for lead and copper during the June to September of 2020 monitoring period. The Town is required to deliver a lead consumer notice to the System's customers within 30 days of receiving monitoring results and failed to deliver a lead consumer notice for the June to September of 2020 monitoring period. Additionally, during 2019, the Town did not submit a CCR or a CCR certification by the required deadlines.

Violation of any part of this Order, the Act, or Part 141 may subject the Town to a civil administrative penalty of up to \$62,689 (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; 87 Fed. Reg. at 1679 (January 12, 2022).

Please note that the EPA may choose not to file a complaint seeking civil penalties if the Town incurs no additional violations of this Order.

For assistance, please contact Steven Latino at (303) 312-6440 or (800) 227-8917 extension 6440. If the Town is represented by an attorney, please ask the attorney to direct any legal questions or comments to Mia Bearley, Senior Assistant Regional Counsel, at (303) 312-6554 or at bearley.mia@epa.gov. We urge your prompt attention to this matter.

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

cc: WY DEQ/DOH
Lincoln County Commissioners
Melissa Haniewicz, EPA Regional Hearing Clerk
Justin Pope, Public Works Director
Mike Duran, Operator