

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Town of Big Piney,)
)
Respondent.)
)
Town of Big Piney)
PWS ID #WY5600007)

Received by
EPA Region VIII
Hearing Clerk

ADMINISTRATIVE ORDER

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 Big Piney, Wyoming (Respondent) is a municipality that owns and/or operates the Town of Big Piney Public Water System (System), which provides piped water to the public in Sublette County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via 4 wells and a backup consecutive connection from the Town of Marbleton (WY56000223). The water is untreated, although chlorination equipment facilities are available at each well if needed. The chlorination equipment facilities are not currently connected to the System for service or use.
4. The System has approximately 254 service connections and regularly serves an average of approximately 552 year-round residents and 100 additional individuals at least 60 days a year. 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 inorganic contaminants (IOCs) at every entry point to the distribution System which is representative of each well after treatment during every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System’s water for IOCs during January 1, 2017 and December 31, 2019 at Well #10 sampling point (WL10/SP10) and therefore, violated this requirement. Since the System added a well house with a chlorinator for Well #10 (WL10), EPA renamed the WL10/SP10 sample point to TP05/SP07.
8. Respondent is required to monitor the System’s water at least annually for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the System’s water for VOCs during 2018 at well #10 sampling point (WL10/SP10), and therefore, violated this requirement.

9. 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 7, above, are classified as a violation 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 violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

10. 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 7 and 8, 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):

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

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 IOCs at TP05/SP07, 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). 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 VOCs as required by Part 141. The System is required to monitor once every three years. Respondent is required to sample for VOCs during the January 1, 2023 and December 31, 2025 compliance period at TP05/SP07 sampling point. 40 C.F.R. § 141.24(f)(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).

14. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7, 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>.

15. 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.

16. 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.

17. Respondent must 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

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

19. 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.

20. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil administrative penalty of up to \$59,017 (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 83821 (December 23, 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 12, 2021.

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