



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Phone 800-227-8917
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July 23, 2021

3:18 PM

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-W-SD

July 23, 2021

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Todd Brown, Operator
Town of Marbleton
10700 Highway 189
Marbleton, Wyoming 83113
tbrown43@live.com

Re: Violation of Town of Marbleton Administrative Order, Docket No. SDWA-08-2021-0022 Town of Marbleton Public Water System, PWS ID #WY5600223.

Dear Mr. Brown:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties for violations of the above-referenced Administrative Order.

Specifically, on May 4, 2021, the EPA issued the above-referenced Administrative Order (Order), directing the Town of Marbleton (Town), to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that the Town is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 19, 20, 21, 22, and 27 on pages 3, 4, and 5 of the Order) and referring to the Town as the Respondent, which have not been completed:

- **Not completed:** Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for synthetic organic contaminants (SOCs) in accordance with 40 C.F.R. § 141.24(h)(4). Respondent shall report results to the EPA within 10 calendar days of learning of the results. 40 C.F.R. § 141.24(h)(4). Separate from the above referenced Order, and for all future monitoring please note that the System is now on reduced monitoring requiring one sample during each repeat compliance period (once every 3 years) 141.24(h)(4)(iii).
- **Not completed:** Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for inorganic contaminants (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).

- **Not completed:** Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for volatile organic contaminants (VOCs), as required by 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).
- **Not completed:** Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(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).
- **Not completed:** Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the failure to monitor violations cited in paragraphs 7, 8, 9, 10, and 13 on pages 1, and 2 of the Order. Templates and instructions are available at: <https://www.epa.gov/dwreginfo/public-notification-templates-community-and-non-transient-non-community-water-systems>. 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).

Please note the other requirements of the Order.

Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil 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).

The EPA may choose not to file a complaint seeking civil penalties if the Town does not incur any additional violations and if you provide the EPA with notice of completed corrective and monitoring regarding the above-referenced violations within 30 calendar days.

EPA acknowledges that the COVID-19 pandemic may be impacting the System. If the Town has specific COVID-19 issues that would affect the timeframes listed herein, please contact Nathaniel Hicks via email at hicks.nathaniel@epa.gov or by phone at (800) 227, 8917, extension 6546, or (303) 312-6546. The EPA may, in its discretion, consider granting an extension.

If you have any questions or to request an informal conference with the EPA, please contact Nathan Hicks via email at hicks.nathaniel@epa.gov, or by phone at (800) 227-8917, extension 6546, or (303) 312-6546. Any questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

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

cc: WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk
Mayor Jim Robinson, (rockymountaintests@yahoo.com)
Town of Marbleton, (marbletontown@hotmail.com)
Sublette County Commissioners (carrie.long@sublettewyo.com)