



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

FILED

10/3/2023

11:52 AM

**U.S. EPA REGION 8
HEARING CLERK**

October 3, 2023

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

The Honorable Brandon Graves, Mayor
Town of Wheatland
b.graves@townofwheatlandwy.org

Re: Administrative Order issued to the Town of Wheatland, regarding the Wheatland Public Water System, PWS ID #WY5600187, Docket No. SDWA-08-2024-0002

Dear Mayor Graves:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Town of Wheatland (Town), as owner and operator of the Wheatland Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (*e.g.*, any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from you, the EPA will assume this information is correct. If the Town complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties 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).

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist the Town in addressing the outstanding violations.

Please be aware that the Town is required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. EPA's approval of the Town's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages the Town to contact any such governmental agency or agencies regarding any applicable approval requirements.

If you have any questions or to request an informal conference with the EPA, please contact Rachel Brookins via email at brookins.rachel@epa.gov, or by phone at (800) 227-8917, extension 6509, or (303) 312-6509. Any questions from the Town's attorney should be directed to Peggy Livingston, Senior Assistant Regional Counsel, via email at livingston.peggy@epa.gov or by phone at (800) 227-8917, extension 6858, or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

cc: WY DEQ/DOH (via email)
Platte County Commissioners (sshockley@plattecountywyoming.com)
Rick Keck, Superintendent (r.keck@townofwheatlandwy.org)
Tabitha Ennis, Accounts Payable (t.enniss@townofwheatlandwy.org)
Dennis Lewis, P.E., WY DEQ District Engineer (dennis.lewis@wyo.gov)
Jason Fernandez, P.E., WY DEQ District Engineer (jason.fernandez4@wyo.gov)