

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
) Docket No. SDWA-08-2023-0015
 Happy Valley Water Improvement &)
 Service District) **ADMINISTRATIVE ORDER**
 Respondent.)
)
 Happy Valley Improvement & Service)
 District Public Water System)
PWS ID #WY5600153)

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. Happy Valley Improvement & Service District (Respondent) formally Happy Valley Pipeline, Inc. is a public body created by or pursuant to Wyoming law that owns and operates the Happy Valley Improvement & Service District Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming for human consumption.
3. On September 9, 2021, the EPA sent the previous System's owners a letter with the determination that the System's source water is groundwater under direct influence of surface water. 40 C.F.R. §141.70 and 141.73. The EPA sent a copy of this letter to Respondent on January 25, 2023. As such, the System is supplied by a groundwater under direct influence of surface water source accessed via two springs, Water Cress Spring 1 (SPR01) and Water Cress Spring 2 (SPR02). The water is currently unfiltered. The System was given the alternative of physically disconnecting these sources and connecting to a different source of water that is not subject to the Surface Water Treatment Rule or installing disinfection and filtration treatment by April 1, 2023. Additionally, the September 9, 2021 letter required the System to initiate interim disinfection by chlorinating its water and to maintain a minimum chlorine residual of 0.2 mg/L throughout the System as a temporary relief until filtration is installed.
4. Respondent provides water through a piped system or other constructed conveyance to the public for human consumption and such system has 32 service connections used by year-round residents or regularly serves approximately 60 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 was required to comply with filtration and disinfection requirements by April 1, 2023, as notified by an EPA letter dated September 9, 2021, that the System's source was determined to be under the influence of surface water. 40 C.F.R. part 141, subpart H and T. Respondent was required to install filtration and disinfection equipment capable of achieving credit for 3 logs (99.9%) Giardia reduction, 4 logs (99.99%) virus reduction, and 2 logs (99%) Cryptosporidium removal. 40 C.F.R. 141.70(a)(1) and (2) and 40 C.F.R. 141.500(a). Respondent has not installed this required filtration and disinfection treatment and therefore, has violated these requirements.

8. 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, 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):

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

10. Within 30 calendar days after receipt of this Order, Respondent shall provide the EPA with a plan and schedule for Respondent to come into compliance with 40 C.F.R. part 141, subparts H and T. This plan and schedule shall select, specifically, one of the following options: 1) identify detailed information and dates regarding how Respondent shall install filtration and disinfection treatment capable of achieving credit for 3 logs (99.9%) Giardia reduction, 4 logs (99.99%) virus reduction, and 2 logs (99%) Cryptosporidium removal (40 C.F.R. 141.70(a)(1) and (2) and 40 C.F.R. 141.500(a)) to each source that is surface water or groundwater determined to be under the direct influence of surface water; or 2) by switching permanently to an alternate source of water that is not subject to these requirements. The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with 40 C.F.R. part 141, subparts H and T. The proposed schedule shall include specific milestone dates and a final compliance date. The schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

11. Interim disinfection requirements of a minimum chlorine residual of 0.2 mg/L throughout the distribution system must be maintained until notified otherwise in writing from the EPA. The chlorine residual must be measured at the same time that monthly Revised Total Coliform Rule (40 C.F.R. part 141 Subpart Y) samples are taken and the measured residual value must be reported on the same sampling slip that is sent to the laboratory and, ultimately, to the EPA. 40 C.F.R. §§ 141.74(b) and 141.75(a).

12. The Schedule required by paragraph 10, above, will be incorporated into this Order as setting forth enforceable requirements upon written approval by the EPA.
13. 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.
14. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at:
<https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
15. 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 shall, 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 shall remain obligated to comply with this Order.
16. Respondent shall 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

17. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
18. 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.
19. 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).

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20. 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 14, 2023.

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