

August 18, 2021



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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1:12 PM

Received by
EPA Region VIII
Hearing Clerk

August 18, 2021

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Ben Mavy, Chief Operator
Turnerville Water and Sewer District
ben@starvalleywater.com

Re: Violation of Town of Turnerville Administrative Order, Docket No. SDWA-08-2021-0018
Turnerville Water and Sewer District Public Water System, PWS ID #WY5601115

Dear Mr. Mavy:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties. Specifically, on April 14, 2021, the EPA issued the above-referenced Administrative Order (Order), directing the town of Turnerville (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 (see paragraphs 11 and 12 on page 2 of the Order referring to the Town as the Respondent), which have not been completed:

- 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, T, and W, either by meeting the filtration, filtration avoidance, and disinfection requirements that apply to each source that is surface water or groundwater determined to be under the direct influence of surface water, or by switching permanently to an alternate source of water that is not subject to these requirements. 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. **Not completed: Although the System submitted a proposed plan and schedule on July 23, 2021, the Order required the System to submit a proposed plan and schedule (schedule) by May 14, 2021. Therefore, the schedule was submitted late. Furthermore, the schedule was required to detail how the System plans to achieve compliance with 40 C.F.R. part 141, Subparts H, T, and W. Specifically, the System could choose to meet the filtration, filtration avoidance, and disinfection requirements that apply to each source that is surface water or ground water determined to be under the direct influence of surface water, or by switching permanently to an alternate source of water that is not subject to these requirements. The schedule submitted on July 23, 2021 failed to provide the required details regarding the System's plan to achieve compliance with 40 C.F.R. part 141, Subparts H, T, and W.**
- The schedule required by paragraph 11, of the Order, will be incorporated into the Order as enforceable requirements upon written approval by the EPA.
 - a) The plan must include proposed modifications to the System and estimated costs of such modifications. The schedule must include a project start date, interim milestone deadlines, and a final compliance deadline (which must be within six months of the project start date). Respondent may not begin construction or modifications to the System before the EPA has approved the schedule.
 - b) Within 30 calendar days after receipt of the EPA's approval of the schedule required by paragraph 11, of the Order, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. part 141, Subparts H, T and W. Each quarterly report is due by the 10th calendar day of the month following the end of the relevant quarter.
 - c) Within 10 calendar days after completing all tasks included in the Schedule, Respondent must notify the EPA of the project's completion.

These requirements have not been completed.

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 action regarding the above-referenced violations within 30 calendar days (assuming, of course, that the Town is in compliance with all other requirements of the Order).

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 Town'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.

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

cc: Mr. Harold Stewart, President (valcath@silverstar.com)
WY DEQ/DOH (via email)
Lincoln County Commissioners (rking@lcwy.org)
Melissa Haniewicz, EPA Regional Hearing Clerk
Ben Mavy, Alternate Operator, (veratxemie@yahoo.com)
Chad Turner, Board President, (turner5193@silverstar.com)
Robert Hood, Engineer, (rhood@sunrise-eng.com)