

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

Dec 04, 2024

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U.S. EPA REGION 8
HEARING CLERK

<p>IN THE MATTER OF:</p> <p>Cottonwood Homeowners Association and Mary Viktorin,</p> <p>Respondents</p>	<p>Docket No. SDWA-08-2025-0003</p> <p>ADMINISTRATIVE ORDER</p>
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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. Cottonwood Homeowners Association and Mary Viktorin are an association and individual (association president), respectively, that own and/or operate the Cottonwood Acres Public Water System (System), which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via four wells. The water is treated with sodium hypochlorite.
4. The System has approximately 38 service connections used by year-round residents and/or regularly serves an average of approximately 95 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. Each 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).

VIOLATIONS

6. The maximum contaminant level (MCL) for uranium is 30 micrograms per liter (µg/L). 40 C.F.R. § 141.66. If the running annual average (RAA) determined after four consecutive quarterly samples exceeds the MCL, this is a violation of the MCL. 40 C.F.R. § 141.26. The System submitted samples from the SP02 sampling location

that result in RAAs exceeding the MCLs as listed below:

Initial monitoring quarter	Final monitoring quarter	Uranium RAA
Q2 2023	Q1 2024	33 µg/L
Q3 2023	Q2 2024	35 µg/L
Q4 2023	Q3 2024	38 µg/L

Therefore, Respondents violated the uranium MCL.

ORDER

Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

7. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
8. Within 30 calendar days after receipt of this Order, Respondents shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the uranium MCL as identified in 40 C.F.R. § 141.62(b).
 - a. The plan shall include proposed modifications to the System and estimated costs of such modifications.
 - b. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondents shall not begin construction or modifications to the System before the EPA has approved Respondents' Schedule.
 - c. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
 - d. Within 90 calendar days after receipt of the EPA's approval of the schedule, Respondents shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the uranium MCL. Each quarterly report is due by the 10th day of the month following the relevant calendar quarter (e.g., April 10 for the first calendar quarter).
 - e. Within 10 calendar days after completing all tasks included in the Schedule, Respondents shall notify the EPA of the project's completion.

9. The System shall achieve compliance with the uranium MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondents' plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
10. Respondents shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). Respondents 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).
11. If Respondents have not already done so for the most recent MCL violation cited in paragraph 6, above, within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraph 6, above, persist, Respondents shall notify the public of the violations. 40 C.F.R. § 141.203. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the certification and notice to the EPA. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. Part 141, Subpart Q. Templates and instructions are included as an enclosure with the cover letter for this Order.
12. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents 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, Respondents must report the violation to the EPA within that different period.
13. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondents 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>.
14. If Respondents (a) lease, sell, or otherwise transfer the System or a substantial portion of the System's assets to another person or entity or (b) contract with or hire any other person or entity to operate the System, Respondents must, within 10

calendar days after such transfer or contract, 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, Respondents will remain obligated to comply with this Order.

15. Respondents must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
brown.christopher.t@epa.gov.

GENERAL PROVISIONS

16. This Order is binding on Respondents, their successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with either or both Respondents.
17. 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.
18. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$69,733 (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 89309 (December 27, 2023).
19. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: December 4, 2024.

Emilio Llamozas, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division