

**NOTICE OF SETTLEMENT OF
SAFE DRINKING WATER ACT ADMINISTRATIVE PENALTY
IN THE MATTER OF THE UNITED STATES DEPARTMENT OF VETERANS
AFFAIRS**

Respondent: United States Department of Veterans Affairs
Castle Point Medical Center

Sites/Facilities: Castle Point Medical Center PWS (NY1319255)

Docket No.: SDWA-02-2016-8404

Public Notice No.: 2017-01

Complainant: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, New York, NY 10007-1866

Description of the Violations and Relief Sought: The United States Environmental Protection Agency (“EPA”) is providing notice of a final penalty order, issued on October 20, 2016 against the United States Department of Veterans Affairs (“Respondent”) for violations of the Safe Drinking Water Act (“SDWA”) and its applicable regulations at the Castle Point Medical Center public water system (“PWS”), as per the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“CROP”), 40 C.F.R. Part 22.

Section 1447 of the SDWA, 42 U.S.C. §300j-6, authorizes EPA to take an enforcement action whenever it determines that a Federal agency is in violation of any requirement of the SDWA, EPA’s regulations thereunder, or any regulation of a state drinking water program which has been authorized by EPA. Pursuant to Sections 1447(a) and (b), EPA may issue a penalty order against any Federal agency that owns or operates any public water system (“PWS”) that violates a requirement of the Act.

On January 5, 2006, EPA promulgated the Long Term 2 Enhanced Surface Water Treatment Rule (“LT2ESWTR”), 40 C.F.R. Part 141, Subpart W. The LT2ESWTR supplements existing microbial treatment and protects public health from illness due to *Cryptosporidium* and other microbial pathogens in drinking water through risk-targeted treatment requirements based on the results of source water monitoring. Pursuant to 40 C.F.R. §141.700(c), public water systems are required to conduct an initial round of source water monitoring for each plant that treats a surface water or GWUDI source.

Pursuant to 40 C.F.R. §141.701(d)(1) and (3), filtered systems are not required to conduct source water monitoring under the LT2ESWTR if the system will provide a total of at least 5.5-log of treatment for *Cryptosporidium*. However, such systems were required to provide notification in writing of “the intent to provide maximum treatment” by no later than the date the system is required to submit a sampling schedule pursuant to 40 C.F.R. §141.702 (i.e. July 1, 2008) and

comply with the treatment requirements by the deadline established pursuant to 40 C.F.R. §141.713 (i.e. October 1, 2014).

On May 21, 2010, Respondent notified EPA of its plans to achieve the maximum level of *Cryptosporidium* treatment by October 1, 2014. Respondent was required by the LT2ESWTR to provide at least 5.5-log inactivation treatment for *Cryptosporidium* by October 1, 2014. Based on information provided to EPA, Respondent has failed to demonstrate compliance with the requirement to provide at least 5.5-log inactivation treatment for *Cryptosporidium*.

Action: Penalty Assessed under the Safe Drinking Water Act of \$24,000. Respondent agreed to pay the penalty. In addition, Respondent is taking the necessary steps to resolve the violation.

For further information: Karen Maples, Regional Hearing Clerk, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007-1866. Phone number (212) 637-3247.

Persons wishing to receive a copy of the CROP or copies of the documents filed in these proceedings should contact the Regional Hearing Clerk. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All pertinent information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

How to Obtain Review: Any interested person may obtain review of an administrative penalty order issued under Section 1447(b) of the SDWA. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously serve a copy of the complaint in accordance with and to all persons described in 40 C.F.R. §135.11(a)(3), including but not limited to, the EPA Administrator, the EPA Regional Administrator in Region 2, the U.S. Attorney General, the head of the Federal agency, the chief administrative officer of the responsible state agency (if any), and the State Attorney General in which the violation occurred.