



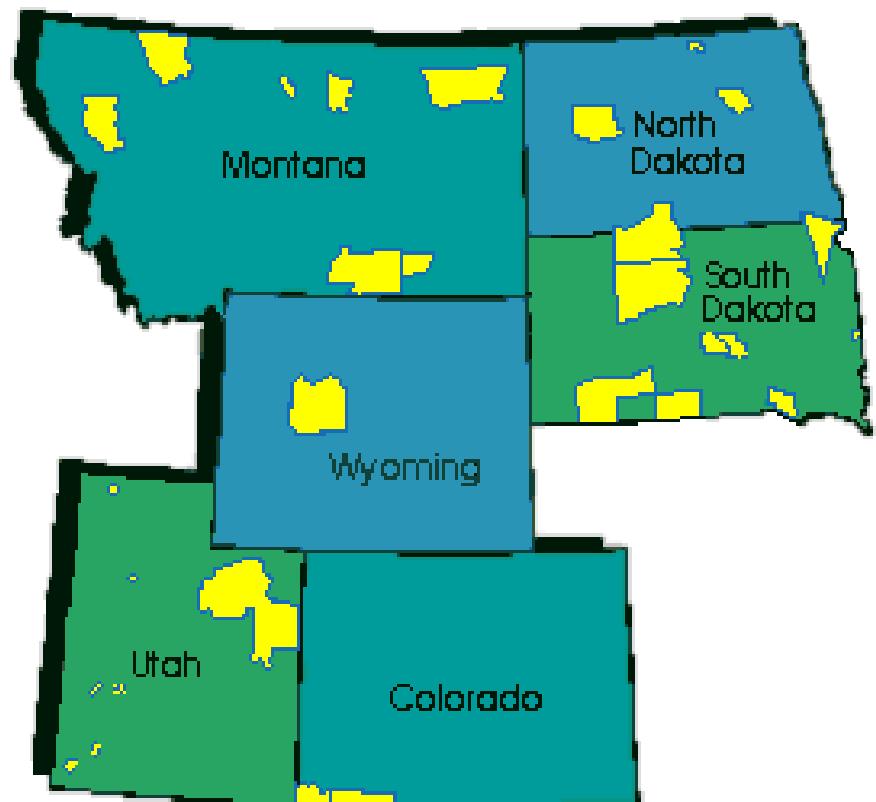
EPA Enforcement for Public Water Systems In Wyoming

Presentation Overview

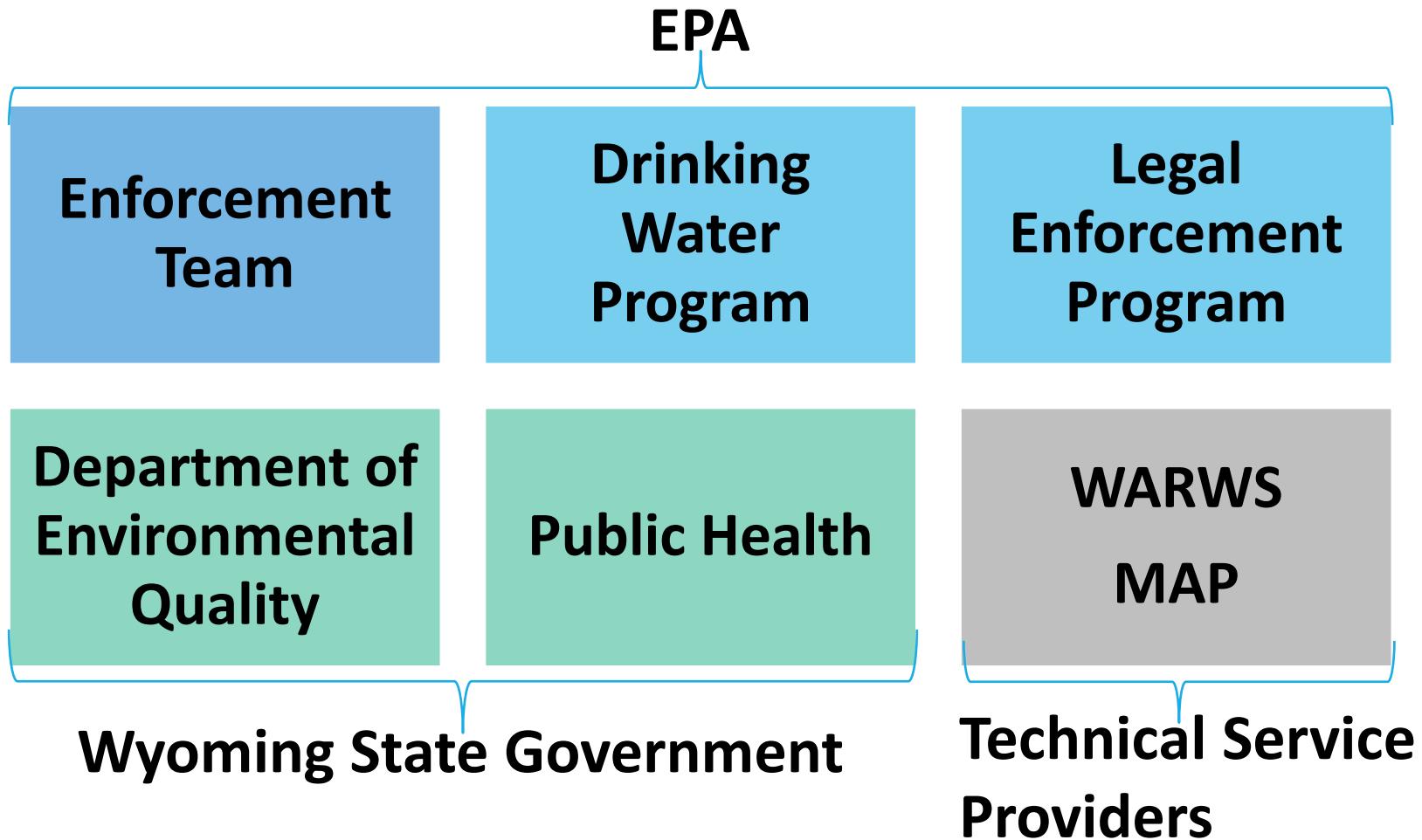
1. Primacy
2. Who We Work With
3. Enforcement Process
4. Administrative Orders
5. Enforcement Escalation and Penalties
6. Emergency Orders

Primacy/Direct Implementation

- EPA – Has primacy, or direct implementation, for the Drinking Water Program and Enforcement in **Wyoming**.
- EPA – Implements the Drinking Water Program and Enforcement in **Indian country**.
- WY DEQ - Operator Certification Program & Construction Permits.
- All other Region 8 States – Have own primacy (CO, MT, ND, SD, & UT).



Who We Work With



The Enforcement Process

Drinking Water Program – Provides technical and compliance assistance. IDs violations and issues violation letters. Makes referrals to Enforcement.

Confirm violations. Work closely with DW Program.
Contact PWS at this step or later regarding the process.

Issue Administrative Order or Emergency Order.

Work closely with PWS operator to ensure understanding of Order requirements. Provide compliance assistance.

Monitor for compliance. Issue Closure letter in 1 year approximately if in compliance with Order.

Administrative Orders – Key Sections

➤ Introduction Section

- Details EPA'S Authority
- Provides information about water system (location, water source, treatment, population served, # connections, community/non-community)

➤ Violations Section

- Details each violation
- States regulatory requirements

➤ Order Requirements

- Details required actions
- Requires actions are linked to violations in the previous section
- Includes timeframe for complying

Administrative Orders – Communication Best Practices

➤ Who receives the AO?

- Addressed to system owner. Towns - often the Mayor
- Copies will go to contacts provided to EPA for water system

➤ Response requested- can be delegated to designee

➤ Communicate with designee in advance of any deadlines so information can be relayed to EPA

Timeliness is key- ask for extension instead of missing deadline

Enforcement Escalation

If one Violation of Order →
AO Violation (AOV) Letter

1 or more violation of Order →
Penalty

Most penalties are a few thousand
dollars. Statute allows up to \$71,545
per violation per day.

Things to Know

- ✓ **No penalty** if system returns to and maintains compliance.
- ✓ Process established to be fair and consistent across State.
- ✓ Administrative Orders include all violations from **past 5 years**.
- ✓ Orders filed with Regional Hearing Clerk and become public record.
- ✓ Orders copied to County Commissioners, WY DEQ and WY DOH.
- ✓ Communication is key. Please ensure you are providing regular updates as required by the enforcement action.

When in doubt, reach out!

Emergency Administrative Orders

“Potential for imminent and substantial endangerment” to health of people who consume the water.

Often caused by failure or interruption of treatment such as:

- Loss of pressure
- Treatment/Filter failure (bypass)

or

- RTCR MCL (E. coli positive)
- Waterborne disease outbreak

Emergency Administrative Orders - Timeline

1. Laboratory, PWS operator, or concerned citizen notifies Drinking Water Program of a situation which could have potential for serious adverse effects on human health.
2. Enforcement Team is notified.
3. EPA contacts PWS, WY DEQ, WY DOH and State epidemiologist.
4. Issue Emergency Administrative Order (EAO). *Usually goes out same day.*
5. Email EAO to PWS. Mail hard-copy EAO to PWS.
6. EPA and PWS are in close contact for duration of emergency to ensure understanding of all Order requirements.

Emergency Administrative Orders - Key Sections

➤ Findings Section

- Details of violation or problem posing imminent and substantial endangerment

➤ Order Requirements

- Intent to Comply - 24 hours
- Boil Order and Public Notice
- Alternate Water Supply provided to customers
- Distribution System Disinfection and Monitoring Requirements
- Compliance Plan
- Reporting

Web Resources

- EPA Region 8 - Wyoming Drinking Water Program -
<http://www2.epa.gov/region8/wyoming-drinking-water-program>
- EPA Region 8 - Drinking Water Online - <http://www2.epa.gov/region8-waterops>
- EPA Region 8 - Drinking Water Watch (public access) -
<https://sdwistr8.epa.gov/Region8DWWPUB/>
- EPA Administrative Enforcement Dockets database -
<http://yosemite.epa.gov/oa/rhc/epaadmin.nsf>
- EPA - ECHO Enforcement and Compliance History Online -
<http://echo.epa.gov/?redirect#echo>

Questions?

