



REGION 2

NEW YORK, N.Y. 10007

JANUARY 21, 2025

Via Electronic Mail to: noel.hodge@viwapa.vi

Noel Hodge, Chief Operating Officer
Virgin Islands Water and Power Authority
PO Box 1009
Christiansted, VI 00820-1009
noel.hodge@viwapa.vi

RE: In the Matter of: Virgin Islands Water and Power Authority St. Croix (VI0000097)
Administrative Order, Notice of Violation, and Information Request
Docket No. SDWA-02-2025-8013

Dear Mr. Hodge:

Enclosed you will find an Administrative Order ("Order"), Notice of Violation ("NOV") and Information Request ("IR"). The Order finds that the Virgin Islands Water and Power Authority ("VIWAPA") owns and/or operates a public water system as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. §141.2, and is, therefore, subject to its requirements. The United States Environmental Protection Agency ("EPA") also finds that the VIWAPA St. Croix public water system failed to comply with the Lead and Copper Rule ("LCR"), the Stage 1 and 2 Disinfectants and Disinfection Byproducts Rules ("Stage 1 and 2 DBPRs"), the Surface Water Treatment Rules ("SWTRs"), and SDWA Section 1433. The enclosed Order and NOV are issued under the authority of Sections 1414(a) and (g) of the SDWA, 42 U.S.C. Sections 300g-3(a) and (g). The IR is issued under the authority of Section 1445(a)(1)(B) of the SDWA, 42 U.S.C. §300j-4(a)(1)(B).

While I fully anticipate that you will comply, I must advise you that the violation of an Order may subject the violator to an administratively assessed civil penalty not to exceed \$48,586, or a court-imposed penalty not to exceed \$69,733 per day of violation.

If you have any questions, need technical assistance, or would like help understanding how respond to EPA regarding this matter, please contact Nicole Foley Kraft, Supervisor, Safe Drinking Water Act Compliance Section at (212) 637-3943 or kraft.nicole@epa.gov.

Sincerely,

**KATHLEEN
ANDERSON**

Digitally signed by
KATHLEEN ANDERSON
Date: 2025.01.21 09:24:08
-05'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

cc: Jean-Pierre Oriol, VIDPNR (electronic)
Harold Mark, VIDPNR (electronic), harold.mark@dpr.vi.gov

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Virgin Islands Water and Power Authority
PO Box 1009
Christiansted, VI 00820-1009

PWS ID. No. VI0000097

Respondent.

Proceedings pursuant to Sections 1414(a)
and (g) of the Safe Drinking Water Act, 42
U.S.C. Sections 300g-3(a) and (g)

ADMINISTRATIVE ORDER, NOTICE OF
VIOLATION AND INFORMATION REQUEST

Docket No.
SDWA-02-2025-8013

I. STATUTORY AUTHORITY

The following FINDINGS are made and NOTICE OF VIOLATION (“NOV”) and ORDER (“ORDER”) issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“USEPA” or “EPA”) by Sections 1414(a) and (g) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. Sections 300g-3(a) and (g) (“the Act”), and duly delegated to the Director of the Enforcement and Compliance Assurance Division of Region 2.

II. FINDINGS

1. The Virgin Islands Water and Power Authority (hereinafter “Respondent”) owns and/or operates the VI Water and Power Authority St. Croix (“VIWAPA St. Croix”) “public water system” (“PWS”), within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4) and 40 C.F.R. §141.2, located in Christiansted, Virgin Islands.
2. Respondent is a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2.
3. Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order (“AO”) issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(g)(1).

4. Respondent provides piped water for human consumption and regularly serves a population of at least 25 individuals year-round and is therefore a “community water system” as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15), and 40 C.F.R. §141.2. Respondent is, therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g et seq., and its implementing regulations found at 40 C.F.R. Part 141.
5. The Virgin Islands Department of Planning and Natural Resources (“VIDPNR”) administers the Public Water Supply Supervision Program in US Virgin Islands pursuant to Section 1413 of the SDWA. The approval of primary enforcement authority (“primacy”) from EPA to the VIDPNR was effective as of September 22, 1979. VIDPNR is the “approved State primacy program”, as that term is defined in 40 C.F.R. §142.2.
6. According to the Safe Drinking Water Information System (“SDWIS”), Respondent’s PWS draws water from a surface water source (Caribbean Sea) and serves a population of approximately 35,000 people. Respondent’s PWS provides filtration, reverse osmosis, corrosion control and disinfection treatment.

SDWA Section 1433

7. On October 23, 2018, the SDWA was amended in accordance with the America’s Water Infrastructure Act (“AWIA”) of 2018 (Public Law 115-270). Among other things, AWIA amended SDWA Section 1433 Community Water System (“CWS”) risk and resilience assessment provisions, 42 U.S.C. §300i-2.
8. Section 1433 of the SDWA is an “applicable requirement”, as defined in Section 1414(i) of the SDWA, 42 U.S.C. §300g-3(i).
9. EPA retains primary enforcement authority for Section 1433 of the SDWA.
10. Section 1433(a) of the SDWA requires CWSs serving more than 3,300 persons to conduct a Risk and Resilience Assessment (“RRA”) of its system, including an assessment of:
 - a. The risk to the system from malevolent acts and natural hazards;
 - b. the resilience of the pipes and constructed conveyances; physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such system);
 - c. the monitoring practices of the system;
 - d. the use, storage, or handling of various chemicals by the system; and
 - e. the operation and maintenance of the system.
11. Section 1433(a)(3)(A) of the SDWA required a CWS serving 3,301 to 49,999 persons to submit its certification to the EPA Administrator that it has conducted its RRA on or before June 30, 2021. Instructions on how to submit a RRA certification are available on EPA’s

website, <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>.

12. Section 1433(b) of the SDWA requires CWS serving 3,301 or more persons to prepare or revise, where necessary, an emergency response plan (“ERP”) that incorporates the findings of the RRA no later than six months after certifying completion of its RRA. Therefore, Respondent’s deadline for submitting certification to the EPA Administrator that the ERP has been completed and/or revised was December 31, 2021.

Lead and Copper Rule

13. In 1991, EPA published the Lead and Copper Rule (“LCR”) (40 C.F.R. Part 141 Subpart I) to minimize lead and copper in drinking water. The LCR establishes action levels of 0.015 mg/L for lead and 1.3 mg/L for copper; a maximum contaminant level goal (“MCLG”) of 0 mg/L for lead and 1.3 mg/L for copper; and includes requirements to monitor at the tap, optimize corrosion control (and if appropriate, treat source water), deliver public education, and replace lead service lines.
14. Since 1991, the LCR has undergone various revisions. In 2000, EPA published revisions to the LCR, known as LCR Minor Revisions, to address implementation issues and streamline and reduce monitoring and reporting burden. In 2004, EPA published minor corrections to the LCR to reinstate text that was inadvertently dropped from the rule during previous revisions. In 2007, EPA promulgated the LCR Short-Term Revisions to enhance implementation in the areas of monitoring, treatment, customer awareness, and lead service line replacement.
15. On January 15, 2021, EPA promulgated the Lead and Copper Rule Revisions (“LCRR”), which requires public water systems to prepare and submit an initial service line inventory by October 16, 2024, notify consumers of the findings from the service line materials evaluation within 30 days of the inventory submittal, issue Tier 1 public notice for lead action level exceedances (“ALE”), and comply with associated reporting requirements.
16. VIDPNR has primacy for the original LCR, the LCR Minor Revisions and the LCR Short-Term Revisions. However, VIDPNR has not yet obtained primacy for the LCRR.
17. Pursuant to 40 C.F.R. §141.86(a), each water system shall complete a materials evaluation of its distribution system to identify a pool of targeted sampling sites that meet the site selection criteria and that is sufficiently large to ensure that the water system can collect the number of lead and copper samples required in 40 C.F.R. §141.86(c). Pursuant to 40 C.F.R. §141.86(a)(3)-(5), sample site selection criteria or “tier levels” (tier 1, tier 2, tier 3) are defined based on plumbing materials used for the construction of the distribution system, specifically service lines and/or interior plumbing of the site served.

18. Pursuant to 40 C.F.R. §141.85(d)(2), a water system must provide the consumer notice of the individual tap results from lead tap water monitoring carried out under the requirements of 40 C.F.R. §141.86 to the persons served by the water system at the specific sampling site from which the sample was taken as soon as practical, but not later than 30 days after the system learns of the tap monitoring results.

Stage 1 and 2 Disinfectants and Disinfection Byproducts Rule

19. In 1998 and 2006, EPA promulgated the Stage 1 Disinfectants and Disinfection Byproducts Rule ("Stage 1 DBPR") (40 C.F.R. Part 141 Subpart L) and the Stage 2 Disinfectants and Disinfection Byproducts Rule ("Stage 2 DBPR") (40 C.F.R. Part 141 Subparts U and V), respectively, to provide for increased public health protection against the potential risks for cancer and reproductive developmental health effects associated with disinfection byproducts ("DBPs") by establishing health based and treatment standards for disinfectants and disinfection byproducts and requiring water systems be operated by qualified personnel. The Stage 2 DBPR introduced a new method for calculating compliance with the maximum contaminant levels ("MCL") for total trihalomethanes ("TTHM") and haloacetic acids ("HAA5"), referred to as the locational running annual average ("LRAA"). Pursuant to 40 C.F.R. §141.64(b)(2), the Stage 1 DBPR establishes an MCL of 0.080 mg/L for TTHM and 0.060 mg/L for HAA5.

20. VIDPNR has primacy for the Stage 1 and Stage 2 DBPR.

21. Pursuant to 40 C.F.R. §141.130(c), each CWS and non-transient noncommunity water system which adds a chemical disinfectant to the water in any part of the drinking water treatment process must be operated by qualified personnel who meet the requirements specified by the State and are included in a State register of qualified operators.

22. Pursuant to 40 C.F.R. §141.622, systems must develop and implement a monitoring plan to be kept on file for State and public review. The monitoring plan must contain the following elements: monitoring locations, monitoring dates, compliance calculation procedures, and monitoring plans for any other systems in the combined distribution system if the State has reduced monitoring requirements under the State authority in 40 C.F.R. §142.16(m).

23. Pursuant to 40 C.F.R. §141.626(a), a PWS exceeds the operational evaluation level at any monitoring location where the sum of the two previous quarter's TTHM and HAA5 results plus twice the current quarter's result, divided by 4, exceeds the 0.080 mg/L for TTHM or 0.060 mg/L for HAA5. Pursuant to 40 C.F.R. §141.626(a), a PWS is required to conduct an operational evaluation and submit a written report to the State no later than 90 days after being notified of the analytical result that caused the exceedance of the operational evaluation level.

24. Pursuant to 40 C.F.R. §141.620(d), systems must determine compliance with TTHM and HAA5 by calculating the LRAA for TTHM and HAA5 using monitoring results collected and

determine that each LRAA does not exceed the MCL. Pursuant to 40 C.F.R. §141.203(a)(1), all violations of the MCL require a Tier 2 public notice, except where a Tier 1 notice is required under 40 C.F.R. §141.202(a). Pursuant to 40 C.F.R. §141.31(d) and 141.201(b)(3), within 10 days of completing the public notification, a water system must submit a certification that it has fully complied with the public notification regulations and include a copy of the notice.

Surface Water Treatment Rules

25. In 1989, EPA published the Surface Water Treatment Rule (“SWTR”) (40 C.F.R. Part 141 Subpart H), to reduce illness caused by pathogens in drinking water. The Interim Enhanced Surface Water Treatment Rule (“IESWTR”) (40 C.F.R. Part 141 Subpart P), the Long Term 1 Enhanced Surface Water Treatment Rule (“LT1”) (40 C.F.R. Part 141 Subpart T) and the Long Term 2 Enhanced Surface Water Treatment Rule (“LT2”) (40 C.F.R. Part 141 Subpart W), published in 1998, 2002 and 2006, respectively, build on the SWTR by adding increased protection from microbial contaminants, particularly *Cryptosporidium*. Collectively, this group of rules is referred at Surface Water Treatment Rules (“SWTRs”).
26. VIDPNR has primacy for the SWTR, the IESWTR, the LT1 and the LT2.
27. Respondent’s system utilizes seawater as its main water source. EPA has issued guidance on the applicability of the SWTRs for PWSs utilizing seawater. While the filtration treatment technique requirements (e.g. combined and individual filter effluent turbidity standards) of the SWTRs do not apply to Respondent’s system, once the drinking water enters the distribution system, it is vulnerable to contamination and bacterial growth and, therefore, the entry point chlorine residual and the distribution system detectable disinfectant level requirements (40 C.F.R. §§141.72(b)(2), 141.74(c)(2), 141.75(b)(2)(ii) and 40 C.F.R. §141.72(b)(3)(i)) of the SWTRs are applicable. Additionally, the MCLs for turbidity established in 40 C.F.R. §141.13 are also applicable to Respondent’s system, to ensure the effectiveness of the disinfection treatment.
28. Chlorine Residual Concentration at the Entry Point to the Distribution System: Pursuant to 40 C.F.R. §§ 141.72(b)(2), 141.74(c)(2), and 141.75(b)(2)(ii), the residual disinfectant concentration of the water entering the distribution system must be monitored continuously, and the lowest value must be reported each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring. The residual disinfectant concentration in the water cannot be less than 0.2 mg/L for more than 4 hours. Systems must report to the State the date and duration when the residual disinfectant concentration in water entering the distribution system fell below 0.2 mg/L and when the State was notified of the occurrence.
29. Chlorine Residual Concentration Within the Distribution System: Pursuant to 40 C.F.R. §141.72(b)(3)(i), the residual disinfectant concentration in the distribution system must be measured at least at the same points and at the same time as total coliforms are sampled,

and it cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public.

30. Requirements to respond to significant deficiencies identified by EPA: Pursuant to 40 C.F.R. §141.723(c), for sanitary surveys performed by EPA, systems must respond in writing to significant deficiencies identified in sanitary survey reports, no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey. Pursuant to 40 C.F.R. §141.723(b), a significant deficiency includes a defect in design, operation, or maintenance, or a failure of malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.

Summary of Findings of Violation

31. On September 19-21, 2023, EPA's authorized representatives conducted an inspection of Respondent's system.
32. On September 27, 2023, EPA issued a Notice of Significant Deficiencies ("September 2023 Notice") to notify Respondent of significant deficiencies observed during the September 2023 inspection that required prompt attention. Due to the nature of the significant deficiencies identified, EPA requested, within 10 days of receipt, the submittal of a corrective action plan, describing the actions taken or to be taken to address the identified significant deficiencies. The requested response from Respondent was, therefore, due by October 7, 2023.
33. On October 8, 2023, Respondent submitted a corrective action plan ("CAP") to address the significant deficiencies identified in the September 2023 Notice.
34. On December 21, 2023, EPA issued an Inspection Report, Designation of Significant Deficiencies, and Information Request ("December 2023 Report"), that:
- a. summarized potential noncompliance items, significant deficiencies, areas of concern and general observations identified during the September 2023 inspection;
 - b. requested submission of a list of records requested during the September 2023 inspection that had not been provided;
 - c. requested submittal of information to evaluate VIWAPA St. Croix's compliance with SDWA, pursuant to Section 1445 of the SDWA.

EPA requested Respondent to submit, within 45 days of receipt, a certification that the significant deficiencies identified in the report were corrected, or to submit an action plan for their correction. In addition, EPA requested Respondent to submit a response to items

identified as areas of concern. Respondent was, therefore, required to submit a response to EPA by February 4, 2024.

35. On January 30, 2024, EPA met with Respondent and VIDPNR to review the December 2023 Report, answer questions, and provide technical assistance. Respondent requested and EPA granted an extension to the deadline for the submittal of the documents requested in the December 2023 Report to March 4, 2024. EPA also clarified during the meeting that the CAP plan must include all significant deficiencies outlined in the September 2023 Notice and the December 2023 Report.
36. On February 28, March 31, April 2, and April 8, 2024, VIWAPA St. Croix's provided a response to the December 2023 Report, including the submittal of a CAP.
37. On July 10, 2024, EPA issued a Compliance and Records Review Report ("July 2024 Records Report"), summarizing potential areas of noncompliance, significant deficiencies, and observations identified from the review of documentation submitted by VIWAPA St. Croix, as specified in paragraph 35. On July 16, 2024, Respondent acknowledged receipt of the Compliance and Records Review Report via electronic mail. The report designates the lack of storage tank inspection reports as a significant deficiency, and required Respondent to certify that this issue was corrected (i.e. submittal of the storage tank inspection reports) or to provide a CAP within 45 days of receipt of the report. Respondent was, therefore, required to submit a response to EPA by August 26, 2024.
38. On August 12, 2024, EPA conducted an inspection of Respondent's system. An inspection report, summarizing potential areas of noncompliance, potential significant deficiencies, areas of concern and general observations was issued on October 21, 2024.
39. On August 30, 2024, Respondent submitted, via electronic mail, a response to the July 2024 Records Report. The response included information on actions taken to address significant deficiencies identified in the storage tanks, but did not include copies of storage tank inspection reports or a CAP with a schedule for conducting the storage tank inspections.
40. On September 20, 2024, Respondent submitted an updated significant deficiency corrective action plan.
41. Based on the inspection observations and a review of documentation available to EPA, EPA finds that Respondent:
 - a. SDWA Section 1433: Certified on June 3, 2022, to the EPA's AWIA national database that RRA and ERP were completed. However, during the September 2023 inspection, PWS representatives indicated that while the system maintains "individual plans for certain emergency events", no comprehensive RRA or ERP meeting the requirements of SDWA Section 1433 has been created. Respondent is, therefore, in violation of Section 1433(a)(3)(A) and (b).

- b. LCR Materials Evaluation: Failed to submit a copy of the LCR materials evaluation. The December 2023 Report requested VIWAPA St. Croix to submit a copy of the LCR materials evaluation or a description on how tap sampling sites were identified and tiered. Information submitted by VIWAPA for the 2023 LCR monitoring event included the tier designation of each sampling site, however, there was no information regarding the plumbing materials used within the distribution system or interior plumbing of the site served, nor the year of construction of the residence participating in the monitoring event. Respondent is, therefore, in violation of 40 C.F.R. §141.86(a).
- c. LCR Timely Delivery of Consumer Notices: Failed to demonstrate that consumer notices were provided within 30 days after the system learned of the tap monitoring results. Respondent is, therefore, in violation of 40 C.F.R. §141.85(d).
- d. Stage 2 DBPR Monitoring Plan: Failed to provide a copy of its Stage 2 DBPR monitoring plan. Respondent is, therefore, in violation of 40 C.F.R. §141.622.
- e. Stage 2 DBPR Operational Evaluation Reports: Failed to provide a copy of operational evaluation reports, triggered during at least the 3rd and 4th quarters of 2022 and the 2nd, 3rd, and 4th quarters of 2023 at the Pearl B. Larsen location. Based on information available to EPA, operational evaluation reports were not submitted to VIDPNR. Respondent is, therefore, in violation of 40 C.F.R. §141.626(a).
- f. Stage 2 DBPR MCL: Exceeded the MCL for TTHM during at least the 2nd quarter of 2023. Based on information available to EPA, there is no evidence that the system submitted a certification that the Tier 2 public notice was conducted and a copy of the notice to VIDPNR. Respondent is, therefore, in violation of 40 C.F.R. §141.64(b)(2).
- g. Stage 1 DBPR Operator's Certification: Failed to have qualified operators. According to system's representatives, VIWAPA does not have a formalized operator certification program. Respondent is, therefore, in violation of 40 C.F.R. §141.130(c).
- h. SWTR Chlorine Residual Levels entering the Distribution System: Failed to maintain at least 0.2 mg/L residual disinfectant at the entry point to the distribution system, during at least, August 5 and 6, 2023. No information was provided to EPA on the duration of the events, if the chlorine residual concentration was restored to 0.2 mg/L or higher, or if/when the State was notified of these events. Respondent is, therefore, in violation of 40 C.F.R. §§141.72(b)(2), 141.74(c)(2) and 141.75(b)(2)(ii).
- i. SWTR Detectable Chlorine Residuals within the Distribution System: Failed to comply with the requirement to have a detectable disinfectant residual in 95% of samples for any two consecutive months, during at least the months of October and November 2023. Respondent is, therefore, in violation of 40 C.F.R. §141.72(b)(3)(i).
- j. Significant Deficiencies CAP: Failed to correct significant deficiencies within the deadlines submitted to EPA. The outstanding significant deficiencies identified in the September 2023 Notice, December 2023 Report, and July 2023 Records Report (see Attachment A). Respondent is, therefore, in violation of 40 C.F.R. 141.723(d).

42. EPA is issuing this NOV for violations of the LCR, Stage 1 and Stage 2DBPR, and SWTRs, for which VIDPNR has primacy.
43. EPA is issuing this ORDER to place Respondent on an enforceable schedule to comply with the requirements of Sections 1433 of the SDWA, for which EPA has primary enforcement responsibility.

III. ORDER

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS:

44. Within 30 days of receipt of this Order, Respondent must submit a plan to achieve compliance with the RRA and ERP requirements¹. The compliance plan must include a schedule for completion of the RRA and specific dates by which the certification of completion for the RRA and ERP, as required by Section 1433(a) and (b) of the SDWA, will be submitted to EPA. Please note that Respondent shall submit the RRA and ERP certifications using the following link: <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>.
45. If Respondent requires technical assistance in order to complete the RRA and ERP, Respondent shall notify EPA via email for further instructions.

IV. NOTICE OF VIOLATION AND REQUEST FOR INFORMATION

As set forth in the FINDINGS above, Respondent's public water system is in violation of Section 1412 of the Safe Drinking Water Act, 42 U.S.C. §300g-1, the Stage 1 and 2 DBPRs, SWTRs, and LCR. EPA is issuing this NOV for requirements for which VIDPNR has primacy, pursuant to Section 1414(a) of the SDWA, 42 U.S.C. §300g-3(a). If VIDPNR does not commence appropriate enforcement action within thirty (30) days of the date of this notification, EPA is authorized either to issue an AO under Section 1414(g) of the SDWA, 42 U.S.C. §300g-3(g), requiring the public water system to comply with such regulations or requirements, or to commence a civil action under Section 1414(b) of the SDWA, 42 U.S.C. §300g-3(b).

Under the authority of Section 1445(a)(1)(B) of the SDWA, 42 U.S.C. §300j-4(a)(1)(B), **EPA requests that Respondent provide the following:**

46. Within thirty (30) days of receipt of this NOV and Request for Information, Respondent must submit to EPA and VIDPNR information describing the actions taken and/or planned,

¹ For additional information on the RRA/ERP requirements and/or instructions on how to certify completion see: <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>.

including a schedule with milestones and deadlines, to address the violations described in paragraphs 41(b-j).

V. GENERAL PROVISIONS

47. All notices, reports, or other submissions by Respondent shall contain the following certification:

“I certify, under penalty of law, that the information contained in or accompanying this submission is true, accurate and complete based upon representations as to accuracy and completeness made to me either orally or through submission of documentation by appropriate personnel with responsibility for the matters contained herein”.

48. All submissions and communications related to this Order shall be submitted to EPA and VIDPNR in electronic format to the OneDrive folder shared by EPA. Respondent must notify the following individuals via email whenever notifications, submissions or communications are uploaded to the OneDrive folder:

Nicole Foley Kraft, Supervisor
Safe Drinking Water Act Compliance Section
US Environmental Protection Agency, Region 2
Region2_SDWAEnforcement@epa.gov

and

Harold Mark, Environmental Protection Manager
Division of Environmental Protection
VI Department of Planning and Natural Resources
harold.mark@dpr.vi.gov

49. Notwithstanding Respondent’s compliance with any requirement of this Order, Respondent’s failure to comply with all the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative, and equitable actions. Pursuant to Section 1414(a) of the SDWA, 42 U.S.C. §300g-3(a), EPA is authorized to issue an Administrative Order or to commence a civil action requiring compliance with these regulations thirty (30) days after issuance of this Notice of Violation, if the VIDPNR does not commence appropriate enforcement action for the LCR, Stage 1 and 2 2DBPRs, and SWTRs violations prior to that time.

50. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver,

suspension, or modification of the requirements of the Act, or the rules and regulations promulgated there under which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.

51. The Respondent may be subject to an administrative civil penalty of up to \$48,586 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300(g)(3)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$48,586 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$69,733 per day of violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).
52. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
53. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State, or local law.
54. This Administrative Order shall take effect upon the signature of the Director, Enforcement and Compliance Assurance Division.

It is so Ordered,

**KATHLEEN
ANDERSON** Digitally signed by
KATHLEEN ANDERSON
Date: 2025.01.21 09:24:45
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Kathleen Anderson, Director
Enforcement and Compliance Assurance Division