



REGION 2

NEW YORK, N.Y. 10007

March 27, 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

Re: In the Matter of: Virgin Islands Water and Power Authority St. Croix (VI0000097)
Administrative Order, Docket No. SDWA-02-2025-8056

Dear Mr. Hodge:

As you are aware, the Environmental Protection Agency (“EPA”) conducted inspections of the Virgin Islands Water and Power Authority St. Croix (“VIWAPA St. Croix”) public water system (“PWS”) in September 2023 and August 2024, and issued a Compliance and Records Review Report in July 2024, which identified violations of regulatory requirements, significant deficiencies, and areas of concern.

On January 17th, 2025, EPA issued an Administrative Order (“AO” or “Order”), Notice of Violation (“NOV”), and Information Request (“IR”), Docket No. SDWA-02-2025-8013 to VIWAPA to establish an enforceable schedule to ensure compliance with Section 1433 of the Safe Drinking Water Act (“SDWA”), for which EPA has primary enforcement responsibility, and to request information on actions taken or planned to be taken by VIWAPA for violations for which the Virgin Islands Department of Planning and Natural Resources (“VIDPNR”) has primacy.

Based on the information provided in response to the AO/NOV/IR, EPA prepared the enclosed Administrative Order. The enclosed Order supersedes the January 21, 2025, AO and establishes a schedule for the VIWAPA St. Croix PWS to come into compliance with the LCR, Stage 1 and Stage 2 DBPRs, SWTRs, and SDWA Section 1433.

EPA would like to acknowledge the efforts VIWAPA has taken to bring the system into compliance and for their responsiveness to the NOV/IR and general correspondence with EPA. We look forward to continuing to work collaboratively with VIWAPA and the VIDPNR on this matter.

While I expect your full cooperation in this matter, please be advised that the violation of an Order may subject the violator to an administratively assessed civil penalty not to exceed \$49,848, or a court-imposed penalty not to exceed \$71,545 per day of violation.

EPA's free Water Technical Assistance (WaterTA) supports communities to identify water challenges, develop plans, build technical, managerial, and financial capacity, and develop application materials to access water infrastructure funding. If you need water infrastructure funding or capacity building support, we encourage you to complete and submit a webform request on the EPA WaterTA website using the following link: <https://www.epa.gov/water-infrastructure/forms/water-technical-assistance-request-form>.

If you have any questions, please contact me at 212-637-3754, or have your staff contact Nicole Foley Kraft, Supervisor, Safe Drinking Water Act Compliance Section, at (212) 637-3093 or kraft.nicole@epa.gov.

Sincerely,

**KATHLEEN
ANDERSON** Digitally signed by
KATHLEEN ANDERSON
Date: 2025.03.27
11:34:51 -04'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Enclosure

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

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

IN THE MATTER OF:

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

PWS ID. No. VI0000097

Respondent.

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

ADMINISTRATIVE ORDER
DOCKET No.
SDWA-02-2025-8056

I. STATUTORY AUTHORITY

The following FINDINGS are made, and ORDER (“ORDER”) issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“USEPA” or “EPA”) by Sections 1414(g) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. Section 300g-3(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”, 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's public water system ("PWS" or "system") 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. Pursuant to 40 C.F.R. §141.2, the term "state" means the agency of the State or Tribal government which has jurisdiction over public water systems.
6. 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. On January 21, 2025, EPA issued a Notice of Violation pursuant to SDWA Section 1414(a)(1) to Respondent. As of the date of this Order, VIDPNR has not commenced an appropriate action, therefore EPA is authorized to issue this Order.
7. 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

8. 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.
9. 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).
10. EPA retains primary enforcement authority for Section 1433 of the SDWA.
11. 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.

12. Section 1433(a)(3)(A) of the SDWA requires CWSs 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.

13. Section 1433(b) of the SDWA requires CWSs 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 the 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

14. In 1991, EPA promulgated 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.

15. Since 1991, the LCR has undergone various revisions. In 2000, EPA promulgated revisions to the LCR, known as LCR Minor Revisions, to address implementation issues and streamline and reduce monitoring and reporting burden. In 2004, EPA promulgated 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.

16. 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.

17. 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 Rules

18. 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.
19. Pursuant to 40 C.F.R. §141.130(c), each CWS and non-transient non community 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.
20. 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 States has reduced monitoring requirements under the State authority in 40 C.F.R. §142.16(m).
21. Pursuant to 40 C.F.R. §141.626(a), a system 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 0.080 mg/L for TTHM or 0.060 mg/L for HAA5. Pursuant to 40 C.F.R. §141.626(a), a system 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.
22. 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 to 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 ten (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

23. In 1989, EPA promulgated 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 as the Surface Water Treatment Rules (“SWTRs”).
24. Respondent’s system utilizes seawater as its main water source. 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 residual disinfectant concentration and the distribution system detectable disinfectant level requirements (see 40 C.F.R. §§141.72(b)(2), 141.74(c)(2), 141.75(b)(2)(ii) and 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.
25. Residual Disinfectant Concentration at the Entry Point to the Distribution System: Pursuant to 40 C.F.R. §§141.72(b)(2), 141.74(c)(2), 141.75(b)(2)(ii), and 141.75(b)(3)(iii), 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 entering the distribution system cannot be less than 0.2 mg/L for more than 4 hours. If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the system must notify the State as soon as possible, but no later than by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L. 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.
26. Residual Disinfectant Concentration in the Distribution System: Pursuant to 40 C.F.R. §141.72(b)(3)(i), the residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide 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. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/mL, measured as Heterotrophic Plate Count (HPC), is deemed to have a detectable disinfectant residual.

27. 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 or 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.

Findings of Violation

28. On September 19-21, 2023, EPA's authorized representatives conducted an inspection of Respondent's system.
29. 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.
30. On October 8, 2023, Respondent submitted a corrective action plan ("CAP") to address the significant deficiencies identified in the September 2023 Notice.
31. On December 21, 2023, EPA issued an Inspection Report, Designation of Significant Deficiencies, and Information Request ("December 2023 Report"), that:
- Summarized potential noncompliance items, significant deficiencies, areas of concern and general observations identified during the September 2023 inspection;
 - requested submission of a list of records requested during the September 2023 inspection that had not been provided;
 - requested submittal of information to evaluate VIWAPA St. Croix's compliance with the SDWA, pursuant to Section 1445 of the SDWA.

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

In addition, EPA requested Respondent submit a response to items identified as areas of concern. Respondent was required to submit a response to EPA by February 4, 2024.

32. 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 documents requested in the December 2023 Report to March 4, 2024. EPA also clarified during the meeting that the CAP must include all significant deficiencies outlined in the September 2023 Notice and the December 2023 Report.
33. On February 28, March 31, April 2 and April 8, 2024, VIWAPA St. Croix provided responses to the December 2023 Report, including the submittal of a CAP.
34. On July 10, 2024, EPA issued a Compliance and Records Review Report (“July 2024 Records Report”), summarizing potential areas of noncompliance, significant deficiencies, and general observations identified based on the review of documentation submitted by Respondent. 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 required to submit a response to EPA by August 26, 2024.
35. 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 (“October 2024 Report”).
36. 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.
37. On September 20, 2024, Respondent submitted an updated significant deficiency CAP.
38. 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 the RRA and ERP were completed. However, during the September 2023 inspection, Respondent’s representatives indicated that while the system maintains “individual plans for certain emergency events”, no comprehensive RRA or ERP documentation 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 sites served, nor the year of construction of the residences 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 copies 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 Respondent'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 Residual Disinfectant Levels entering the Distribution System: Failed to maintain a residual disinfectant concentration of at least 0.2 mg/L 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 residual disinfectant concentration was restored to 0.2 mg/L within 4 hours, or if/when VIDPNR 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 and/or failure to submit a CAP. Significant deficiencies were identified in the September 2023 Notice, December 2023 Report and the July 2023 Records Report. Respondent is, therefore, in violation of 40 C.F.R. §141.723(d).

39. On January 21, 2025, EPA issued an Administrative Order, Notice of Violation and Information Request ("AO/NOV"), Docket No. SDWA-02-2025-8013, to Respondent, to establish an enforceable schedule to ensure compliance with SDWA Section 1433, for

which EPA has primacy, and to request information on actions taken or planned to be taken by Respondent for violations to the LCR, Stage 1 and 2 DBPR, and SWTRs, for which VIDPNR has primacy.

40. On January 21, 2025, VIDPNR received its copy of the Administrative Order, Notice of Violation, and Request for Information, Docket Number SDWA-02-2025-8013, and EPA's offer for assistance.
41. On January 22, 2025, VIWAPA St. Croix confirmed receipt of the Administrative Order, Notice of Violation, and Request for Information, Docket Number SDWA-02-2025-8013, and EPA's offer for assistance.
42. On February 18, 2025, EPA met with Respondent to review the January 21, 2025, Administrative Order, Notice of Violation, and Request for Information, Docket Number SDWA-02-2025-8013, answer questions, and provide technical assistance. Respondent informed EPA of the plans to update the current RRA and prepare an ERP.
43. On February 19, 2025, Respondent submitted documentation supporting that LCR consumer notices were delivered within 30 days of the system learning of the lead tap monitoring results.
44. Based on information available to EPA, Respondent failed to certify that significant deficiencies identified in the October 2024 Report were completed and/or failed to submit a CAP. Respondent is, therefore, in violation of 40 C.F.R. §141.723.
45. As of the date of this Administrative Order, and based on information available to EPA, Respondent's PWS remains in violation of the SDWA, specifically of the requirements of SDWA Section 1433, LCR, Stage 1 and 2 DBPR, and SWTRs.

III. ORDER

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

SDWA Section 1433

46. By September 30, 2025, Respondent must submit a certification of completion for the RRA, as required by Section 1433(a) of the SDWA.
47. By March 31, 2026, Respondent must submit a certification of completion for the ERP, as required by Section 1433(b) of the SDWA.

48. The RRA and ERP certifications¹ must be submitted to EPA utilizing the following link:
<https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>.

Lead and Copper Rule

49. By January 1, 2026, Respondent must submit to EPA and VIDPNR a list of targeted sampling sites that meet the requirements of 40 C.F.R. §141.86. The list of targeted sampling sites must be sufficiently large to ensure that Respondent can collect the number of lead and copper samples required in 40 C.F.R. §141.86(c). Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants. EPA will review and approve the list of targeted sampling sites, in consultation with VIDPNR.
50. Beginning with the monitoring period of January 1, 2026 – June 31, 2026, Respondent must conduct standard six-month lead and copper monitoring at customer taps. All sites from which first draw water samples are to be collected shall be selected from the list of targeted sampling sites approved by EPA pursuant to paragraph 49. The number of samples to be collected is based on the system's population and identified as standard monitoring in 40 C.F.R. §141.86(c). Samples must be collected in accordance with the methods outlined in 40 C.F.R. §141.86(b).
51. If the lead and/or copper action level(s) is met during the monitoring period established in paragraph 50, Respondent must conduct a second round of standard lead and copper sampling at customer taps during the monitoring period of July 1, 2026– December 31, 2026. All sites from which first draw water samples are to be collected shall be selected from the list of targeted sampling sites approved by EPA and VIDPNR pursuant to paragraph 49. The number of samples to be collected is based on the system's population and identified as standard monitoring in 40 C.F.R. §141.86(c). Samples must be collected in accordance with the methods outlined in 40 C.F.R. §141.86(b).
52. If the lead and/or copper action level(s) is exceeded during the monitoring periods established in paragraphs 50 and 51, Respondent must comply with the following requirements: corrosion control treatment recommendation (40 C.F.R. §141.82), source water monitoring and treatment recommendation (40 C.F.R. §141.83), additional public education requirements triggered by an action level exceedance (40 C.F.R. §141.85), and water quality parameter monitoring (40 C.F.R. §141.87). In the case of an action level exceedance, consultation with EPA and VIDPNR will be coordinated to establish additional

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>.

steps toward compliance. Information related to these requirements must be submitted to EPA and VIDPNR.

53. By July 10, 2026 and January 10, 2027, Respondent must report to EPA and VIDPNR, all required information for lead and copper monitoring conducted pursuant to paragraphs 50 and 51, as established in 40 C.F.R. §141.90.
54. Respondent's PWS can qualify for reduced lead and copper tap monitoring once the system meets the lead and copper action levels during each of two consecutive six-months monitoring periods, in accordance with 40 C.F.R. §141.86(d)(4).
55. Respondent must notify customers of the monitoring results for the lead tap monitoring required in paragraphs 50 and 51 within thirty (30) days after the system learns of the tap monitoring results. Consumer notice content must be in accordance with 40 C.F.R. §141.85(d)(3).
56. Respondent must comply with the reporting and recordkeeping requirements of the LCR, pursuant to 40 C.F.R. §§141.90 and 141.91.

Stage 1 and 2 Disinfectants & Disinfection Byproducts Rule

57. By December 31, 2025, Respondent shall submit a revised Stage 2 DBPR monitoring plan. At a minimum, the plan must include 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 40 C.F.R. §142.16. EPA will review and approve, in consultation with VIDPNR. Upon receipt of approval from EPA, Respondent shall monitor in accordance with the plan.
58. Respondent shall conduct monitoring for TTHM and HAA5 in accordance with 40 C.F.R. §141.621(a) and its approved monitoring plan. Samples shall be analyzed in accordance with 40 C.F.R. §141.621(b). Respondent must calculate the LRAAs and OELs for TTHM and HAA5 using monitoring results collected, in accordance with 40 C.F.R. §§141.620(d) and 141.626, respectively.
59. Beginning April 1, 2025, in addition to routine reporting to VIDPNR, Respondent shall submit to EPA the results of the TTHM and HAA5 monitoring (including copies of laboratory reports) required by paragraph 58 by the 10th of the month following the end of the calendar quarter in which the samples were collected, in accordance with 40 C.F.R. §141.629. Respondent must report quarterly to EPA until directed otherwise.

60. Beginning April 1, 2025, in addition to routine reporting to VIDPNR, Respondent shall submit to EPA copies of OEL reports triggered pursuant to 40 C.F.R. §141.626, no later than 90 days after being notified of the analytical result that caused the exceedance of the OEL. Respondent must continue to report to EPA until directed otherwise.
61. Respondent shall remain in compliance with all applicable requirements of the Stage 2 DBPR, including the TTHM and HAA5 monitoring requirements (40 C.F.R. §141.621), compliance determinations requirements (40 C.F.R. §141.620), and reporting requirements (40 C.F.R. §141.629).
62. By April 30, 2026, Respondent must certify to EPA that the VIWAPA St. Croix PWS is operated by qualified personnel who meet the requirements specified by VIDPNR and are included in a State register of qualified operators, in accordance with 40 C.F.R. §141.130(c).

Surface Water Treatment Rules

Disinfectant Residual Concentration at the Entry Point to the Distribution System

63. Upon the effective date of this Order, Respondent shall continuously monitor the residual disinfectant concentration of the water entering the distribution system, and the lowest value must be recorded every day. The residual disinfectant concentration cannot be less than 0.2 mg/L for more than 4 hours. If there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days.
64. If at any time the residual disinfectant concentration of the water entering the distribution system falls below 0.2 mg/L, Respondent must notify VIDPNR as soon as possible, but no later than by the end of the next business day, in accordance with 40 C.F.R. §141.75(b)(3)(iii).
65. Beginning on May 1, 2025, and in addition to the routine reporting to VIDPNR, Respondent must submit to EPA monthly operational reports detailing the lowest daily residual disinfectant concentration entering the distribution system, and the date and duration of each period when the residual disinfectant concentration in water entering the distribution system fall below 0.2 mg/L and when VIDPNR was notified of the occurrence. Respondent must continue to report to EPA until directed otherwise.

Residual Disinfectant Concentration in the Distribution System

66. Beginning on May 1, 2025, and in addition to routine reporting to VIDPNR, Respondent must submit to EPA monthly reports on the residual disinfectant concentration measured in the distribution system. Respondent must continue to report to EPA until directed otherwise.

Correction of Short-Term Significant Deficiencies

67. By April 15, 2025, Respondent must complete the correction of the following significant deficiencies. Certification and documentation (e.g., photos) of corrective action completion must be included in the April 30, 2025, Progress Report.

- a. Installation of vent and hatch covers at the Kingshill storage tank.
- b. Installation of fine mesh screens on the vent and overflow pipe at the Grove storage tank.
- c. Repairs at the Richmond tanks (installation of screens, installation of the hatchway sanitary seal, and repairs of hatch cover holes).
- d. Repairs to the vent pipe and installation of the hatch sanitary seal at the New Tank storage tank.
- e. Installation of screens at the vents and repairs to the hatch cover at the Mountain storage tank.

68. Respondent must include a copy of the following documents in the April 30, 2025, Progress Report:

- a. A copy of the cross-connection/backflow prevention program.
- b. Standards Operating Procedures for the evaluation, cleaning, repair, disinfection and return to service of storage tanks.
- c. SOP/documentation describing the “checks and balances” put in place to correct issues with recordkeeping of maintenance activities and piping repair records.

69. By June 30, 2025, Respondent must complete the correction of the following significant deficiencies. Certification and documentation of corrective action completion must be included in the July 30, 2025, Progress Report.

- a. Installation of the 36” and 48” traveling screens at the Richmond Treatment Plant intake line.
- b. Repairs to the vent structure at the Mon Bijou storage tank.
- c. Installation of screens at the air relief valves discharge ports at the Kingshill, Recovery Hill and Anna’s Hope storage tanks’ piping.

70. By December 31, 2025, Respondent must complete the comprehensive (internal, external) inspection of all operational storage tanks in Respondent’s system. A copy of the inspection reports must be included in the January 30, 2026, Progress Report.

Correction of Long-Term Significant Deficiencies and Capital Improvement Projects

71. Capital Improvements Project: By January 30, 2026, Respondent must submit a Master Plan for the improvement of Respondent's system infrastructure to address outstanding significant deficiencies. EPA will review and approve, in consultation with VIDPNR. Upon EPA's approval, the plan will be incorporated by reference in the AO. The Plan must include, but is not limited, to:
- a. Phase I-Assessment:
 - (1) A description of the capital improvement projects and their staging and/or sequencing order.
 - (2) A list of all critical assets, and a description on how their operational status may be impacted during each phase of the capital improvement project (directly and indirectly).
 - (3) An evaluation of the underground infrastructure in the immediate area of the Richmond, Concordia and Contentment Pumping Stations.
 - (4) A schedule for the evaluation and repair of distribution system valves to address challenges and stress anticipated during the capital improvement project. Provide information on how pressure zones/components can be isolated during capital improvement projects.
 - (5) Development of a plan for the identification and repair of leaks.
 - (6) Development of a plan for the provision of water during the capital improvement project, including a description of areas to be affected during each phase.
 - (7) A description of anticipated funding sources and the specific project to be covered.
 - b. Phase II- Capital Improvement Projects: Provide a description of the scope of work for each of the projects, including, but not limited to:
 - (1) Critical assets under immediate threat
 - (2) Other assets not critical but under immediate threat
 - (3) Richmond Treatment Plant
 - (4) Mains
 - (5) Storage Tanks
 - (6) Include a description on challenges associated with ordering, receiving, and staging of new equipment and materials on the Island
 - (7) Include a description on mobile and permanent back-up power for the system
 - (8) Include a description on the challenges associated with tropical storms, draughts, etc.

Public Notice

72. By July 1, 2025, Respondent shall complete public notification of the violations identified in paragraphs 41 a-b and d-j. Respondent may utilize the 2024 Consumer Confidence Report (also known as Annual Water Quality Report and due July 1, 2025) as the vehicle to notify

consumers. Public notice must meet the content, presentation and standard language required in 40 C.F.R. Part 141 Subpart Q. A draft of the public notice must be submitted to EPA and VIDPNR for review no later than June 15, 2025.

Annual Meetings and Progress Reports

73. EPA, VIDPNR and Respondent shall meet and confer on at least on an annual basis, on or about October 1 of each year. Respondent shall provide a progress report related to the actions required in this Order and may utilize this meeting as a vehicle to answer questions related to any activities and the schedule of the activities related to this Order.
74. Upon the effective date of this order, Respondent shall submit quarterly progress reports and certification to EPA and VIDPNR within thirty (30) days after the end of each quarter (i.e., by January 30, April 30, July 30, and October 30) until its termination. The quarterly report shall describe the status and progress of all milestones and other requirements set forth in paragraphs 46-72, including a description of the work performed in the previous quarter, a projection of the work to be performed during the upcoming quarter, a description of any known or anticipated delay which may affect compliance with any milestones and a description of any non-compliance.

IV. GENERAL PROVISIONS

75. 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”.

76. 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 with VIWAPA St. Croix and VIDPNR. 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

77. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement actions, including but not limited to judicial, administrative and equitable actions.
78. This 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 thereunder 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.
79. The Respondent may be subject to an administrative civil penalty of up to \$49,848 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$49,848 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 \$71,545 per day of violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).
80. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
81. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State, or local law.
82. This 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: 2025.03.27
11:35:39 -04'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division