

Congress of the United States
Washington, DC 20510

September 23rd, 2022

Ms. KC Becker
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

RE: EPA's Preliminary Determinations Designating the Periodic Spring at the Town of Afton, Wyoming, as Groundwater Under the Direct Influence of Surface Water Source and Determining that the Periodic Spring is Subject to Filtration Requirements

Dear Administrator Becker:

We write concerning the U.S. Environmental Protection Agency's (EPA) upcoming September 27th, 2022 public hearing inviting comment on preliminary determinations that the Periodic Spring near Afton, Wyoming, is a ground water under the direct influence (GWUDI) of surface water source and filtration of this source is required. Should such a final determination be made, the Town of Afton would be required to provide filtration and disinfection treatment for the spring at an estimated cost of \$12-14 million. The Town of Afton has 2,200 residents with 1,131 water connections. The Town's annual general fund budget is \$4.6 million with the water enterprise budget making up approximately \$1 million. This determination will be a financial burden the Town of Afton and its residents simply cannot afford.

Afton has used the Periodic Spring as its primary water source since the town was settled in 1885. Throughout the years, the town has made improvements to the spring distribution system, and the Wyoming Department of Environmental Quality (DEQ) has fully permitted the infrastructure currently in place to treat and distribute water to residents. Afton's drinking water compliance history is excellent and on par or better than most filtered municipal systems in the state.

Beginning in 2014, the EPA began questioning whether the Periodic Spring should be classified as "groundwater under the direct influence of surface water" and subject to EPA's Surface Water Treatment rules. The EPA, DEQ, and Afton met in December 2018 to discuss EPA's requests for further investigation of the spring source. At that meeting, DEQ agreed to prepare a Hydrogeologic Evaluation of the Periodic Spring for all parties to consider in further discussions about a GWUDI determination. That report, finalized in March 2020, concluded that a GWUDI determination for the spring was not warranted.

Despite this finding and ongoing discussion between all parties, EPA appears to be moving forward with a GWUDI determination. The data EPA has cited for justification of a GWUDI determination, including two microscopic particulate analysis (MPA) samples collected in September 2019 and August 2021, is contested by DEQ and Afton. EPA itself has openly questioned the accuracy of using MPA tests to assess GWUDI, and have also stated that newer and more effective methods are now available.

We strongly support Afton and DEQ's position that a GWUDI determination is not warranted. Afton's compliance sampling spanning over fifteen years has been excellent. There have been no documented or suspected disease outbreaks. The absence of complaints by water users, the disparity between recent MPA results and prior MPA results, a successful chlorination system, and the findings of the 2020 DEQ report all support further analysis and cooperation with parties before making a final GWUDI determination.

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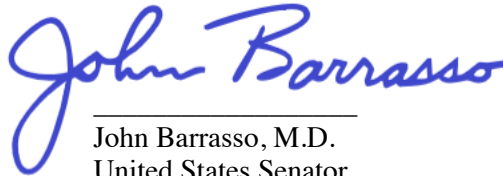
We respectfully request the EPA work collaboratively with the Town of Afton and Wyoming Department of Environmental Quality to conduct further analysis and engage in frank discussions regarding the 2020 DEQ Hydrogeologic Evaluation and EPA's subsequent rationale for a GWUDI determination. This collaborative effort should include the completion of an in-depth Hydrogeologic Assessment and Watershed Study for the Periodic Spring before further EPA action.

There is no doubt that the EPA, the State of Wyoming, the Town of Afton, and our federal delegation is united in the goal of ensuring safe and clean drinking water to the residents of Afton and surrounding areas. We implore the EPA to work collaboratively with the Town of Afton and DEQ to make this shared goal a reality without imposing a massive, unnecessary financial burden on the constituents we serve.

Sincerely,



Cynthia M. Lummis
United States Senator



John Barrasso, M.D.
United States Senator



Liz Cheney
United States Representative