



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2019 JUL 18 PM 5:05

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EPA REGION VIII
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JUL 18 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

David Mackenzie, Owner
Red Rock Ranch
271-0 Market Square
Lake Forest, Illinois 60045

Re: Emergency Administrative Order under SDWA Section 1431,
Red Rock Ranch Public Water System, PWS ID #WY5601508,
Docket No. **SDWA-08-2019-0033**

Dear Mr. Mackenzie:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Red Rock Ranch Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on a notification from the Teton County Public Health Laboratory in Jackson, Wyoming, on July 16, 2019, that the portion of the System that serves the Manager's Housing Distribution has *E. coli* contamination, and notification on July 18, 2019 that all of the three repeat bacteriological samples taken on July 17, 2019, also tested positive for total coliform and *E. coli*, as described in the Order.

Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. The Order and its requirements are necessary to ensure adequate protection of public health.

The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires you to, among other things, take the following actions at the portion of the System that serves the Manager's Housing Distribution: issue a boil water advisory and provide an alternate source of water until notified by the EPA this may be discontinued; submit a plan and schedule for corrective actions; disinfect and flush the System; and take additional total coliform bacteria samples.

The penalties for failing to comply are set forth in the Order. If you have any questions or wish to discuss the Order, please contact Christina Carballal (800) 227-8917 extension 6046 or 303-312-6046, or by email at carballal-broome.christina@epa.gov. Any questions from counsel should be directed to Shaula Eakins, Assistant Regional Counsel, (800) 227-8917, extension 6317, or at (303) 312-6317, or by email at eakins.shaula@epa.gov.

Thank you for your attention to this matter.

Sincerely,



Tiffany Cantor, Chief
Safe Drinking Water Act Enforcement Section
Enforcement and Compliance Assurance Division

Enclosures

cc: Doug Hare, General Manager (info@theredrockranch.com)
Teton County Commissioners (mnewcomb@tetonwyo.org)
WY DEQ/DOH (via email)
Missy Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

2019 JUL 18 PM 5:05

IN THE MATTER OF)
)
David Mackenzie, Owner)
Red Rock Ranch Public Water System)
PWS ID # WY5601508)
)
Respondent.)

Docket No. SDWA-08-2019-0033 VIII
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**EMERGENCY
ADMINISTRATIVE ORDER**

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. The EPA may issue an order under section 1431(a) of the Act, 42 U.S.C. § 300i(a), when a contaminant that is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons, and appropriate state and local authorities have not acted to protect the health of such persons.
3. The EPA has primacy enforcement responsibility for the Act's public water supply protection program in the State of Wyoming. No other governmental authority has applied for or been approved to administer the program in the State of Wyoming.

FINDINGS

4. David Mackenzie (Respondent) is an individual who owns and operates the Red Rock Ranch Public Water System (System), which provides piped water to the public in Teton County, Wyoming for human consumption.
5. The System is supplied by a groundwater source accessed via six wells. There is no treatment. The System is operated from June to September.
6. The System has 14 service connections and regularly serves 50 individuals daily for at least 60 days out of the year.
7. The System is a "public water system" as defined in 40 C.F.R. § 141.2 and section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, is subject to the requirements of the Act and the National Primary Drinking Water Regulation (NPDWR) at 40 C.F.R. part 141.
8. Prior to issuing this Order, the EPA consulted with the general manager to confirm the facts stated in this Order and with state and local authorities to confirm that, because they are unable to act to protect the health of persons in this instance, they have not done so.

9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons, based on the facts indicated in paragraph 11, below. The EPA has determined that this Order is necessary to protect public health.

10. *E. coli* are bacteria whose presence indicates that the water may have been contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

11. On July 16, 2019, the EPA was notified that a routine bacteriological sample collected from the Manager's Housing Distribution portion of the System on July 15, 2019, was analyzed as positive for total coliform and *E. coli*. On July 18, 2019, the EPA was notified that all of the three repeat bacteriological samples (see 40 C.F.R. § 141.485) collected from that portion of the System's drinking water on July 17, 2019, tested positive for total coliform and *E. coli*.

12. In addition, a violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has any combination of a total coliform positive and *E. coli* positive routine and repeat samples. These circumstances have occurred at the Manager's Housing Distribution portion of the System, as set forth in paragraph 11, above, and, therefore, Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

13. On July 18, 2019, the EPA provided Respondent with a public notice template for a boil water advisory.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intent to comply with this Order. Notification by e-mail to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

15. Within 24 hours of receipt of this Order, Respondent shall submit a copy of the boil order advisory referenced in paragraph 13, above, to the EPA. Respondent shall continue providing the public notice at the Manager's Housing Distribution portion of the System until the EPA provides written notice that public notice may be discontinued.

16. Respondent must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.

ALTERNATE WATER SUPPLY

17. Using the public notice referenced in paragraph 13, above, Respondent shall, no later than 24 hours after receipt of this Order, notify the public that is served by the Manager's Housing Distribution portion of the System that an alternative potable water supply is available at no cost to all users of that portion of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing. Respondent shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by that portion of the System. The alternate water supply shall be made available until the Respondent receives written notification from the EPA that it is no longer necessary to supply it.

18. No later than five days after the effective date of this Order (see paragraph 36, below), Respondent shall provide the EPA with a copy of its notification concerning an alternate water supply that is made available.

CORRECTIVE MEASURES

19. Within 15 days after the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines corrective actions taken and/or to be taken to prevent future *E. coli* contamination at the System. The plan shall identify the cause of the contamination referenced in paragraph 11, if possible, and include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final completion date (to be within three months from the date of the EPA's approval of a schedule). The schedule must be approved by the EPA before construction or modifications may commence.

20. The schedule required by paragraph 19, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. If implementation of the plan fails to correct and/or prevent *E. coli* contamination, the EPA may order further steps.

21. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after providing the notification referenced in paragraph 13, above, Respondent shall disinfect and flush the Manager's Housing Distribution portion of the System.

23. Following disinfecting and flushing of the System, beginning on the first date when no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per day)

special purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's Manager's Housing Distribution portion until notified by the EPA that consecutive daily sampling may be discontinued. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory. These daily samples should be labeled as "special" samples and will not count towards monthly compliance.

24. After Respondent receives written notification from the EPA that they may discontinue daily special total coliform sampling, Respondent shall collect weekly bacteriological samples (one sample per week) from the Manager's Housing Distribution portion of the System to determine compliance with the *E. coli* MCL as stated in 40 C.F.R. § 141.860.

25. After Respondent receives written notification from the EPA that they may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.

26. Respondent shall remain obligated to comply with the requirements in 40 C.F.R. §§ 141.402 (to collect additional source water samples) and 141.858 (to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result). If a future repeat sample is positive for total coliform, Respondent shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

27. Respondent shall collect all total coliform samples at sites that are representative of water throughout the System according to the Revised Total Coliform Rule (RTCR) Sample Siting Plan submitted to the EPA by Respondent. Additionally, Respondent shall report all sampling results to the EPA by email immediately upon (i.e., as soon as practicable, and in no event more than 24 hours after) receiving the results.

28. The EPA may require Respondent to increase total coliform sampling at any time while this Order is in effect.

REPORTING

29. Respondent must give daily updates to the EPA on the progress of scheduling a Level 2 Assessment (see 40 C.F.R. §§ 141.2 and 141.851-141.861) by an EPA-approved third party, disinfecting and flushing the System, and monitoring for total coliform. Updates must be submitted to the EPA daily until the EPA provides written notification to the Respondent that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.

30. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Christina Carballal
via e-mail: carballal-broome.christina@epa.gov

Telephone (800) 227-8917, ext. 6046, or (303) 312-6046

31. This Order does not relieve Respondent from obligations to comply with any applicable federal, state, or local law.
32. Failure to comply with this Order may result in civil penalties of up to \$23,963 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).
33. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. 300j-7(a).
34. The EPA may modify this Order. The EPA will communicate any modification(s) to Respondent in writing and they shall be incorporated into this Order.
35. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from the EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.
36. Issued and effective this 18th day of July, 2019.



Tiffany Cantor, Chief
Safe Drinking Water Act Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202