



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
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2010 OCT 27 AM 11:40

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EPA REGION VIII
HEARING CLERK

OCT 27 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Bill Shain, Mayor
Town of Pine Bluffs
220 Main Street
Pine Bluffs, WY 82082

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2011-0004**
Town of Pine Bluffs Public
Water System
PWS ID #WY5600040

Dear Mayor Shain:

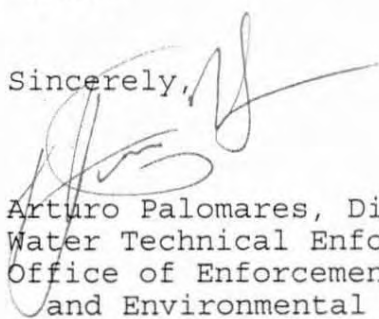
Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. On October 20, 2010, EPA was notified that the Town of Pine Bluffs water system (the "system") obtained total coliform and E. coli positive samples from monitoring conducted on October 18, 2010 at the system. This situation may pose an imminent and substantial health endangerment to persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions are necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility under the Act in the State of Wyoming.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the water system are provided with safe drinking water. The Order requires, in part, that the Town: inspect, clean, and repair both water tanks and take additional total coliform bacteria and chlorine residual samples to assess the safety of the water supply. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Shawn McCaffrey at (800) 227-8917 extension 6515 or 303-312-6515. If you are represented by an attorney or have legal questions, please call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection
Agency-Region 8

Enclosures

Emergency Administrative Order
Public Notice & Boil Order Template

cc: WY DOH & DEQ (via email)
Laramie County Commissioners (FYI only)
Tina Artemis, EPA Regional Hearing Clerk
Tom McDonough, Operator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 OCT 27 AM 11:40

IN THE MATTER OF:

Town of Pine Bluffs
PWS ID# WY5600040

Respondent.

FILED
EPA REGION VIII
RECEIVED 10/27/10
EMERGENCY ADMINISTRATIVE

ORDER

Docket No. SDWA-08-2011-0004

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the Safe Drinking Water Act or Act). 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.

2. Failure to comply with this Order may result in civil penalties of up to \$16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.

3. EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).

4. Respondent is a municipality and therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).

5. Respondent owns and/or operates the Town of Pine Bluffs drinking water system (the system), located in Laramie County, Wyoming, which provides water to the public for human consumption.

6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act and its implementing regulations, 40 C.F.R. part 141 (also known as the drinking water regulations).

7. The system serves an average of 1153 persons daily throughout the year, and therefore is a "public water system" as defined in the Act.

8. EPA has determined that conditions exist at the system that may present an imminent and substantial endangerment to human health. EPA has made this determination based on five water samples collected on October 18, 2010, by the operator, two of which were determined to be total coliform and E. coli positive. Additionally, two samples were also total coliform positive. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

9. Prior to issuing this Order, EPA consulted with the system and state or local governmental authorities to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

FINDINGS OF VIOLATION

10. Respondent is required to monitor the system's water at least twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If two or more samples collected in any month from the system's water are positive for total coliform, then Respondent has violated the MCL for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). The results of samples collected by the Respondent on October 18, 2010, exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

12. If Respondent has not already done so since October 18, 2010, Respondent shall, within 24 hours of receipt of this Order, clean, flush, and disinfect the system, including disinfection of the system's distribution system and any storage tanks that are part of the system.

13. Once the system has been flushed and disinfected, Respondent shall collect consecutive daily (2 samples per day) special purpose total coliform samples from sites that are representative of water throughout the distribution system.

14. After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the system have been negative, Respondent shall collect weekly special purpose bacteriological samples (2 samples per week).

15. Respondent shall monitor the chlorine residual at the same time and same location as the system's special purpose total coliform samples (as required in paragraphs 13 and 14 above). Respondent shall maintain a disinfectant residual of at least 0.2 mg/L as measured throughout the distribution system.

16. After Respondent receives written notification from EPA that Respondent may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the system have been negative, Respondent shall resume monthly total coliform sampling to determine compliance with the total coliform MCL.
40 C.F.R. §§ 141.21 and 141.63.

17. Respondent shall report all coliform and chlorine residual sampling results to EPA by telephone or fax immediately upon receiving the results.

18. For the total coliform sampling in paragraph 14 above, Respondent shall, before having that sample analyzed, designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

19. EPA may require Respondent to increase and/or decrease total coliform or chlorine residual sampling at any time while the Order is in effect.

20. If the results of any of the special purpose total coliform samples taken above are positive, Respondent must implement a boil order and provide public notice as described below.

BOIL ORDER AND PUBLIC NOTICE

21. Immediately after learning of a total coliform positive result, Respondent shall notify the public of the problem described in this Order by distributing a boil water advisory. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondent shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondent shall continue the public notice as set forth in Attachment A until EPA provides written notification to discontinue. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement upon any future MCL violation or any similar emergency situation.

COMPLIANCE MEASURES

22. Within 7 days of receipt of this Order, Respondent shall repair the hatch door seal on the older tank and repair the seal around the vent pipe on the newer tank.

23. Within 21 days of receipt of this Order, Respondent shall clean and inspect the inside of both tanks.

24. If implementation of the above requirements fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance with this Order.

25. Within 10 days of completion of the requirements in paragraphs 22 and 23, Respondent shall notify EPA in writing of project completion.

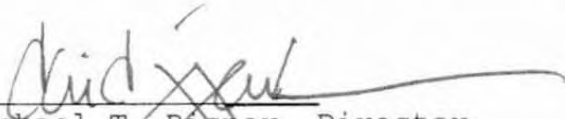
REPORTING

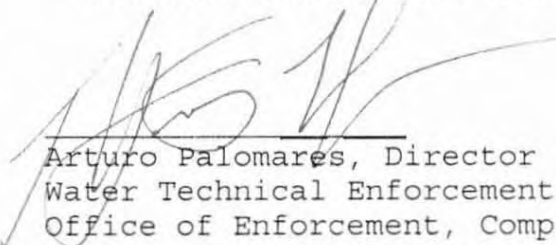
26. All contact with EPA on this matter shall be to:

Shawn McCaffrey, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6515 or (303) 312-6515
Fax (303) 312-7202
e-mail: mccaffrey.shawn@epa.gov

27. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

Issued and effective this 27th day of October, 2010.


Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency-
Region 8

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be posted in conspicuous locations throughout the area served by the Town of Pine Bluffs Water System **and** hand delivered to persons served by that water system. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R. § 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see Item 11 below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal

coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

The Public Notice must also include the following:

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE TOWN OF PINE BLUFF PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., **SHALL BE BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE**, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

Instructions for Fecal Coliform or *E. Coli* Notice – Community (Tier 1)

Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- X Radio
- X Television
- X Hand or direct delivery
- X Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We are chlorinating and flushing the water system.
- X We are switching to an alternate drinking water source.
- X We are increasing sampling for coliform bacteria to determine the source of the contamination.
- X We are repairing the wellhead seal.
- X We are repairing the storage tank.
- X We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

Please send a copy of your notice and dates posted to:

Shawn McCaffrey
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

DRINKING WATER WARNING

The Town of Pine Bluffs water is contaminated with coliform bacteria

BOIL YOUR WATER BEFORE USING

E. coli bacteria were found in the water supply on October 18, 2010. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

What should I do? What does this mean?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for three minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills bacteria and other organisms in the water.
- *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What is being done?

[Describe corrective action.] We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address]. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by The Town of Pine Bluffs
Water System ID#: WY5600040
Date distributed: _____.