



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2018 JUL 31 PM 4:01

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

JUL 31 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email (tlexcavation@gmail.com)

Todd Robinson, Board President
Fairview Water and Sewer District
P.O. Box 16
Fairview, Wyoming 83119

Re: Emergency Administrative Order under SDWA Section 1431, Fairview Water and Sewer District Public Water System, PWS ID #5600166, Docket No. **SDWA-08-2018-0032**

Dear Mr. Robinson:

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

The EPA has determined that conditions exist at the Fairview Water and Sewer District Public 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 notifications that the System experienced a loss of pressure due to a pump failure.

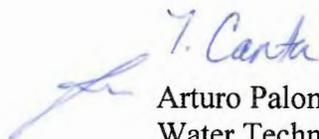
Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. The Order and its requirements are necessary to ensure adequate protection of public health.

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 the System, among other things, to provide an alternate source of water to customers; issue a boil water advisory and public notice until notified by the EPA to discontinue; confirm the water pump has been repaired or replaced and the distribution system has been disinfected and flushed; and take additional total coliform bacteria samples. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss the Order, please contact Kathelene Brainich at (800) 227-8917 extension 6481 or 303-312-6481, or by email at brainich.kathelene@epa.gov. Any questions from counsel for the System should be directed to Mia Bearley, Enforcement Attorney, at the above 800 number, extension 6554, or at (303) 312-6554, or by email at bearley.mia@epa.gov.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Palomares", is written over the printed name.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Ben Mavy, Operator, Fairview W&S District (ben@starvalleywater.com)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 JUL 31 PM 4: 22

IN THE MATTER OF)
)
Fairview Water and Sewer District,) EMERGENCY ADMINISTRATIVE ORDER
(PWS ID # WY5600166))
) Docket No. **SDWA-08-2018-0032**
Respondent.)

FILED
EPA REGION VIII
DENVER, CO

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. Failure to comply with this Order may result in civil penalties of up to \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which 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 or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary 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.
5. Fairview Water and Sewer District (Respondent) is a Wyoming company. Respondent is a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.21.
6. Respondent owns and/or operates the Fairview Water and Sewer District Public Water System (System) located in Lincoln County, Wyoming. The System provides water to the public for human consumption through pipes or other constructed conveyances from a groundwater source accessed via one well.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are "public water systems" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141.
8. The System has approximately 80 service connections used by year-round residents and/or regularly serves an average of approximately 230 year-round residents. Therefore, the

System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

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 below. The EPA has determined that this Order is necessary to protect human health. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order.

10. On July 30, 2018, the EPA received notice from Respondent that a pump failure resulted in a loss of pressure in the distribution system and that Respondent had issued a boil water advisory and is providing bottled water to the System’s customers. Later that day, the EPA emailed the System its boil water advisory template to provide specific instructions.

11. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential for fecal contamination or other disease-causing organisms to enter a distribution system.

ORDER

INTENT TO COMPLY

12. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of their intention to comply with the terms of this Order. Notification by e-mail is acceptable.

ALTERNATE WATER SUPPLY

13. Upon receipt of this Order, Respondent shall notify the public that an alternate potable water supply is available. 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 the System. Respondent may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of the NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until the System receives written notification from the EPA to discontinue.

14. Respondent must provide daily updates to the EPA on the status of the availability of the alternate water supply cited in paragraph 13, above, until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone or e-mail.

BOIL ORDER AND PUBLIC NOTICE

15. Upon receipt of this Order, Respondent shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect until the EPA provides written notice that public notice may be discontinued.

CORRECTIVE MEASURES

16. Within 24 hours of receipt of this Order, Respondent shall provide the EPA with written verification that the pump has been repaired and/or replaced.

17. EPA may require additional corrective measures based on the information provided by the Respondent pursuant to paragraph 16 above.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

18. Within 24 hours of receipt of this Order, Respondent shall provide the EPA with written verification that the System's distribution system pressure has returned to normal, and the distribution system has been properly disinfected and flushed.

19. Following flushing and disinfection of the System as required by paragraph 18, above, Respondent shall monitor the chlorine residual daily in the distribution system. When chlorine residual is undetected, Respondent shall collect consecutive daily (one sample per day) samples from the System's distribution system and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). 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.

20. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondent shall ensure that each sample is analyzed for total coliform and *E. coli*.

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

22. Respondent shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141 including, but not limited to, the requirements in 40 C.F.R. § 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondent shall consult with the EPA for further compliance requirements.

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

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

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS ON PUBLIC HEALTH

25. Respondent shall initiate consultation with the EPA as soon as practicable (in no event later than 24 hours) after learning of any violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants. 40 C.F.R. § 141.202(b)(2). The Respondent must comply with this regulatory provision in any future event that may pose a threat to public health.

REPORTING

26. In addition to the reporting requirements identified above, Respondent must give weekly updates to the EPA on the progress of repairing or replacing the water pump disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone or e-mail.

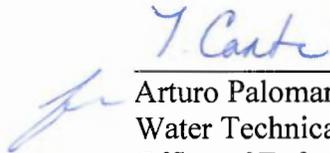
27. Any notices or reports required by this Order shall be submitted on behalf of the EPA to:

Kathelene Brainich at (800) 227-8917, ext. 6481, or (303) 312-6481,
or by email at brainich.kathelene@epa.gov

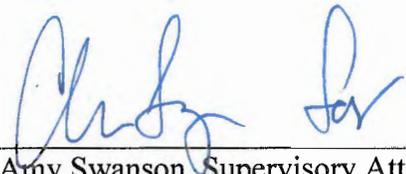
28. This Order does not relieve Respondent from complying with any applicable federal, state, or local law.

29. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a).

30. Issued and effective this 31st day of July, 2018.



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice