



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2007 JUL 20 PM 1:47

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sherry Daigle, Treasurer
South Park Village Subdivision
aka South Park Village Home Owners Association
P.O. Box 1727
Jackson, WY 83001

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2007-0065**
PWS ID #5600836

Dear Ms. Daigle:

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. This Order is based on total coliform and E. coli positive samples collected from the South Park Village Subdivision during July 2007. The water system 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 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 for 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 supply are provided with safe drinking water. The Order requires, in part, that the system issue a Boil Order and public notice until notified by EPA to discontinue, take additional total coliform bacteria samples, provide an alternate source of water, and submit a plan for long-term compliance. The penalties for failing to comply are set forth in the Order.

Please be advised that EPA issued an Administrative Order to South Park Village Subdivision on March 1, 2007 (Docket No. SDWA-08-2007-0032), which remains in full force and effect.

If you have any questions or wish to discuss this Order, please contact Kimberly Pardue Welch at (800) 227-8917 X 6983 or 303-312-6983. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312- 6921.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Enclosure

cc: WY DOH & DEQ (via email)
Teton County Commissioners (FYI only)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
South Park Village Subdivision)
Aka South Park Village)
Home Owners Association)
Jackson, WY)
PWS ID # WY5600836)
)
Respondent)
)
Proceedings under section 1431)
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

FILED
EPA REGION VIII
HEARING CLERK

EMERGENCY
ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0065**

STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

JURISDICTION

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
2. EPA has primary enforcement responsibility for the Act in the State of Wyoming.

FINDINGS

1. South Park Village Subdivision, also known as South Park Village Home Owners Association (“Respondent”) is an unincorporated association and therefore a “person” within the meaning of section 1401(12) of the Act,

42 U.S.C. § 300f(12), and 40 C.F.R. §141.2.

2. Respondent owns and/or operates the South Park Village Subdivision Public Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves an average of at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f (4), and a " community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f (5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141 and section 1431 of the Act, 42 U.S.C. § 300i.
5. According to an April 24, 2007, sanitary survey conducted by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well, serves an average daily population of 70 people through 18 service connections, and is open year round.
6. EPA has determined, based on five samples analyzed July 16, 2007, one as positive for E. coli and two samples as positive for total coliform and six repeat samples analyzed July 18, 2007, one as positive for E. coli and five as positive for

total coliform, that the water source currently available to the System may present an imminent and substantial endangerment to the health of persons.

7. The State of Wyoming has not acted to protect public health because it is not authorized to do so under the Act.
8. The Teton County Health Lab issued a Boil Order to South Park Village Subdivision on July 19, 2007. However, local authorities do not have authority under the Act to protect public health.
9. Prior to issuing this Order, EPA consulted with local authorities in order to confirm the correctness of the information on which this action is based and ascertained that to date, the authorities have not taken any action with regard to this matter.
10. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in Wyoming, notwithstanding the initial efforts taken by State and local officials.

EMERGENCY ADMINISTRATIVE ORDER

Based on the forgoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

A. INTENT TO COMPLY

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. The written response shall include a general plan for compliance with each of the elements of this Order.

B. BOIL ORDER AND PUBLIC NOTICE

1. Respondent shall provide public notice in the affected area as set forth in this Order. No later than 24 hours after the date of this Order, Respondent shall provide a notice of the conditions which resulted in a potential threat to public health. This public notice shall be posted in conspicuous locations throughout the area served by the water system and hand delivered to persons served by the System. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations (NPDWRs) violation. 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:

- a. 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 section b. below);
 - (4) The population at risk, including subpopulations particularly

- vulnerable if exposed to the contaminant in their drinking water;
- (5) Whether alternative water supplies should be used;
 - (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 water system expects to return to compliance or resolve the situation;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
 - (10) A statement to encourage the notice recipients to distribute the public notice to other persons served.

- b. Mandatory health effects language 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.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE 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.

2. Respondent shall continue the public notice as set forth above until EPA Region 8 provides written notification to discontinue public notice.

C. ALTERNATE WATER SUPPLY

Upon the effective date of this Order, Respondent shall notify all water users of the System that an alternative potable water supply is available. The alternative water supply shall be from an EPA regulated drinking water supply that meets the National Primary Drinking Water Regulations or a licensed water distributor, and must be made available at no cost as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide the alternative water at a central location that is accessible to all persons served by the water system. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the water system.

D. COMPLIANCE MEASURES

1. Within 30 days of this Order, Respondent shall submit a detailed plan to EPA to bring the System into compliance with the total coliform maximum contaminant level (“MCL”) and total coliform acute MCL as set forth in 40 C.F.R. § 141.63. Respondent’s plan shall include and address, at a minimum, the following items:
 - a. Identify the cause of the bacteriological contamination.

- b. Describe efforts the Respondent will take to prevent recurrence of total coliform and E. coli positive contamination in the System.
 - c. Proposed System modifications, including, but not limited to, addressing the deficiencies/recommendations identified in EPA's April 24, 2007 sanitary survey.
 - d. Estimated costs of modifications.
 - e. If construction is necessary, a schedule for construction of the project including applying for any required permits from the Wyoming Department of Environmental Quality, Water Quality Division.
 - f. Specific milestone dates and a final compliance date which shall be prior to 6 months from the date of this Order.
 - g. The plan must be approved by EPA before construction can commence. If EPA does not approve Respondent' plan, within 15 days of receiving EPA comments, Respondent shall submit a modified plan(s) to EPA.
 - h. The plan set forth above, including the schedule for construction and completion of modifications, will be incorporated into this Order upon written approval by EPA.
 - i. Respondent shall notify EPA when modifications have been completed.
2. Upon the effective date of this Order, Respondent shall comply with the total coliform maximum contaminant level ("MCL") and total coliform acute MCLs as set forth in 40 C.F.R. § 141.63.

E. MONITORING REQUIREMENTS

1. Upon the effective date of the Order, Respondent shall collect consecutive daily special purpose total coliform samples of the treated water.

Respondent shall continue daily total coliform monitoring until receiving written notice from EPA to discontinue daily sampling. Respondent shall report daily total coliform sampling results to EPA by telephone and facsimile immediately upon receiving the laboratory results.
2. After Respondent receives written notification from EPA to discontinue daily total coliform sampling, Respondent shall conduct weekly bacteriological sampling. Respondent shall report weekly total coliform sampling results to EPA by telephone and facsimile immediately upon receiving the laboratory results.
3. Respondent shall continue weekly bacteriological monitoring until Respondent receives notification from EPA to discontinue weekly bacteriological sampling. Respondent shall thereafter resume monthly total coliform sampling to determine compliance with the MCL for total coliform as set forth in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
4. For the total coliform sampling in paragraphs 2 - 3 above, Respondent shall designate one sample as the monthly compliance sample to determine

compliance with the MCL for total coliform set within 40 C.F.R. § 141.63.

Respondent shall report the compliance results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R.

§ 141.31(a).

5. By providing oral or written notification, EPA may require Respondent to increase and/or decrease total coliform sampling any time while the Order is in effect.
6. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system according to the written sample site plan Respondent previously submitted to EPA pursuant to 40 C.F.R. § 141.21(a).
7. If any one of the sample results are total coliform-positive, Respondent shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b), which requires public water systems that collect five or fewer total coliform samples to collect a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(b)(5), which requires public water systems that collect five or fewer total coliform samples to collect a total of 5 routine total coliform samples the month following a total coliform-positive sample results.

F. REPORTING

1. Upon the effective date of the Order, Respondent shall give weekly updates to EPA on progress until EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.
2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after it learns of the violation.
3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(e) by reporting any fecal coliform or E. coli positive sample to EPA by the end of the day when the system is notified of the test result.
5. Respondent shall notify EPA as soon as practicable, but within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants, as determined in the regulations or by EPA on a case-by-

case basis (40 C.F.R. §§ 141.203(b)(2) and 141.202(a)(8)). Respondent shall comply with this regulation in any water outage event or any similar emergency situation.

6. All reports and notifications herein required shall be submitted to:

Kimberly Pardue Welch, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6983 or (303) 312-6983
Fax (303) 312-7518

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 *et seq.*, or the Safe Drinking Water Act, 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 Act.
2. Violation of any term of this Order instituted under section 1431(a) of the Act, 42 U.S.C. § 300i(a), may subject the Respondent to a civil penalty not to exceed \$16,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act,

42 U.S.C. § 300g-3(b).

4. This Order constitutes a final agency action.
5. The effective date of this Order shall be the date of issuance.

Issued this 20 day of July, 2007.



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice