

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED

Jul 23, 2024

1:29 pm

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF)
)
Hugh Steele) Docket No. SDWA-08-2024-0036
)
) **EMERGENCY**
Respondent.) **ADMINISTRATIVE ORDER**
)
)
Boulder Store/Gas Station)
Public Water System)
PWS ID# WY5600981)

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 official has 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 or an underground source of drinking water 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.

FINDINGS

3. Hugh Steele (Respondent) is an individual who owns and/or operates the Boulder Store/Gas Station Public Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
4. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
5. The System is supplied by a groundwater source accessed via one well. The water is untreated.
6. The System has approximately one service connection and regularly serves an average of approximately 30 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient non-community water system” as defined in 40 C.F.R. § 141.2.

7. On July 23, 2024, EPA consulted with appropriate state and/or local authorities regarding actions such authorities have taken in this matter to protect the health of individuals served by the System; to confirm the correctness of the information on which this Order is based; and to ascertain the actions which state and/or local authorities are or will be taking.
8. The EPA is responsible for direct implementation of the Act in Wyoming, as no other governmental entity has received delegated authority to implement the Act in Wyoming. The EPA has determined that state and local authorities have not acted to protect the health of persons in this instance.
9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraph 10, and that this Order is necessary to protect the health of such persons.
10. On July 19, 2024, the EPA was notified that a routine total coliform sample collected from the distribution system on July 16, 2024, was analyzed as positive for total coliform. On July 19, 2024, the EPA was notified that one repeat total coliform sample, collected on July 18, 2024, tested positive for total coliform and *E. coli*. This results in an *E. coli* maximum contaminant level (MCL) violation. 40 C.F.R. § 141.860.
11. *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 health 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.
12. On July 22, 2024, the EPA issued Respondent a Notice of Noncompliance and provided a public notice template for a boil water advisory, and Respondent notified persons served by the System of the contamination on July 22, 2024.

ORDER

INTENT TO COMPLY

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

BOIL WATER ADVISORY PUBLIC NOTICE

14. The public notice referenced in paragraph 12 above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.
15. 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

16. Using the public notice template referenced in paragraph 12 above, Respondent shall, no later than 24 hours after receipt of this Order, notify the public that an alternative potable water supply is available at no cost to all users of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing. Respondent shall provide at least one gallon of potable water daily per person at a central location that is accessible to all persons served by 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 alternative potable water.
17. No later than five days after the effective date of this Order (see paragraph 33, below), Respondent shall provide the EPA with a copy of the public notice to the public indicating that an alternate water supply is available.

CORRECTIVE MEASURES

18. Within 30 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 this Order, 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. The schedule must be approved by the EPA before construction or modifications may commence.

19. The schedule 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.
20. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

21. Within 24 hours after providing the notification required by paragraph 20, above, Respondent shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
22. After disinfecting and flushing the System, Respondent must take the following action beginning on the first date when no chlorine residual is detected: collect consecutive daily (one sample per day) “special” purpose total coliform samples (defined in 40 C.F.R. § 141.853(b)) from the System’s distribution system until notified in writing by the EPA that consecutive daily sampling may be discontinued. These daily samples should be labeled as “special” samples, not for use for determining compliance. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA immediately upon receipt of the analysis from the laboratory (*i.e.*, as soon as practicable, and in no event more than 24 hours after).
23. After Respondent receives written notification from the EPA to discontinue consecutive daily “special” total coliform sampling, Respondent shall collect weekly “special” total coliform samples (one sample per week).
24. After Respondent receives written notification from the EPA to discontinue weekly “special” total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. §§ 141.854-857 to determine compliance.
25. The EPA may require Respondent to increase sampling at any time while this Order is in effect.

REPORTING

26. Within 24 hours of receipt of this Order, Respondent must submit daily (Monday through Friday) updates on the progress of corrective actions, disinfecting and flushing the System, and monitoring for total coliform, *E. coli*, and chlorine residual to the EPA. The updates must continue 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.
27. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:

Jessica Moore
via e-mail: moore.jessica@epa.gov
Telephone (800) 227-8917, ext. 6441, or (303) 312-6441
28. This Order does not relieve Respondent from the obligation to comply with any applicable federal, or local law.
29. Failure to comply with this Order may result in civil penalties of up to \$29,154 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).
30. 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).
31. 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.
32. 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.
33. Issued and effective this 23rd day of July, 2024.

Emilio Llamozas, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division