



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2019 JUL 19 PM 5:36

FILED
EPA REGION VIII
HEARING CLERK

JUL 19 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

Bryan and Judy Pownall, Owners
Bryan's Place
P.O. Box 75
Rozet, Wyoming 82727

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Bryans Place Public Water System, PWS ID #WY5601477,
Docket No. SDWA-08-2019-0034

Dear Mr. and Ms. Pownall:

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

The EPA has determined that conditions exist at the Bryan's Place 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 from Energy Laboratories in Gillette on July 19, 2019, that the underground source of drinking water serving the System has *E. coli* contamination, 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: 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 Jill Minter (800) 227-8917, extension 6084, or 303-312-6084, or by email at minter.jill@epa.gov. Any questions from counsel should be directed to Peggy Livingston, Senior Assistant Regional Counsel, (800) 227-8917, extension 6858, or 303-312-6858, or by email at Livingston.peggy@epa.gov.

Thank you for your attention to this matter.

Sincerely,



Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Bryan and Judy Pownall, Owners, Bryan's Place (pownall43@hotmail.com)
Campbell County Commissioners (RRB01@ccgov.net; MAC01@ccgov.net)
Jon Cecil, Assistant Manager, WDA, Consumer Health Services (jon.cecil@wyo.gov)
Rebecca Dow, inspector, WDA (rebecca.dow@wyo.gov)
Missy Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

2019 JUL 19 PM 5:37

IN THE MATTER OF _____)
)
Bryan and Judy Pownall, Owners,)
Bryan's Place Water System)
)
)
Respondents. _____)

Docket No. SDWA-08-2019-0034

FILED
EPA REGION VIII
HEARING CLERK

**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 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 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. Bryan and Judy Pownall (Respondents) are individuals who own and operate the Bryan's Place Water System (System), which provides piped water to the public in Campbell County, Wyoming for human consumption
4. The System is supplied by a groundwater source in the bedrock of the Fort Union Formation, accessed via one well. There is no treatment. The System is operated year-round.
5. The Fort Union Formation aquifer is an underground source of drinking water as defined in 40 C.F.R. § 144.3.
6. Prior to issuing this Order, the EPA consulted with Respondents to confirm the facts stated in this Order and with state and local authorities to ascertain they have not acted to protect the health of persons in this instance.
7. 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 paragraphs 8 and 9, below. The EPA has determined that this Order is necessary to protect public health.
8. *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.

9. On July 16, 2019, the EPA was notified that a routine bacteriological sample and a triggered source water sample collected from the System's well on July 15, 2019, were analyzed as positive for total coliform and *E. coli*. On July 19, 2019, the EPA was notified that two repeat bacteriological samples and one additional groundwater source sample collected from the System on July 18, 2019, were analyzed as positive for total coliform.

10. On July 19, 2019, the EPA provided Respondents with a public notice template for a boil water advisory.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondents shall notify the EPA in writing of their 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

12. The boil order advisory referenced in paragraph 10, above, shall remain in place until the EPA provides written notification to Respondents that the boil order is no longer needed. Within 24 hours of receipt of this Order, Respondents shall submit a copy of the boil order advisory referenced in paragraph 10, above, to the EPA.

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

ALTERNATE WATER SUPPLY

14. Using the public notice referenced in paragraph 10, above, Respondents 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. The alternate water supply shall be made available until the Respondents receive written notification from the EPA that it is no longer necessary to supply it.

15. No later than five days after the effective date of this Order (see paragraph 33, below), Respondents shall provide the EPA with a copy of their notification concerning an alternate water supply is available.

CORRECTIVE MEASURES

16. Within 15 days after the effective date of this Order (see paragraph 33, below), Respondents shall provide the EPA with a plan and schedule that outline 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 9, 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.

17. The schedule required by paragraph 16, 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.

18. Respondents shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

19. Within 24 hours after providing the written notification required by paragraph 11, above, Respondents shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.

20. Following disinfecting and flushing of the System, beginning on the first date when no chlorine residual is detected, Respondents shall collect consecutive daily (one sample per day) special purpose (as directed by the EPA) samples from the System's distribution system until notified by the EPA that consecutive daily sampling may be discontinued. These daily samples should be labeled as "special" samples, not for use for compliance. Respondents 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.

21. After Respondents receive written notification from the EPA that they may discontinue daily coliform sampling, Respondents shall collect weekly bacteriological samples (one sample per week) to determine compliance.

22. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents shall thereafter monitor monthly for total coliform sampling.

23. Within 24 hours of being notified of a total coliform-positive sample result, Respondents shall immediately consult with the EPA. Respondents shall collect additional source water samples and collect repeat total coliform samples as directed by the EPA.

24. Respondents shall collect all total coliform samples at sites that are representative of water throughout the System. Additionally, Respondents 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.

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

REPORTING

26. Respondents must give daily updates to the EPA on the progress of scheduling a Level 2 Assessment 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 Respondents that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.

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

Jill Minter
via e-mail: minter.jill@epa.gov
Telephone (800) 227-8917, ext. 6084, or (303) 312-6084

28. This Order does not relieve Respondents from obligations to comply with any applicable federal, state, or local law.

29. 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).

30. This Order constitutes final agency action. Respondents 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 Respondents in writing and they shall be incorporated into this Order.

32. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from the EPA that Respondents have demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.

Emergency Administrative Order
Bryan and Judy Pownall, Owners, Bryan's Place Water System
Page 5 of 5

33. Issued and effective this 19 day of July, 2019.


Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202