



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2018 JUL 17 PM 3: 22

JUL 17 2018

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

Mr. Gregory Weisz, Registered Agent
Guide Rock Ltd. and Flying X Ranch Corporation
501 Garfield Street
Laramie, Wyoming 82070

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Flying X Ranch Public Water System, PWS ID #5601104
Docket No. **SDWA-08-2018-0024**

Dear Mr. Weisz:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency to Flying X Ranch, Corporation and Guide Rock, Ltd. under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Flying X Ranch 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 following an initial total coliform positive sample result, one subsequent distribution sample was positive for total coliform and *E. coli*.

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.

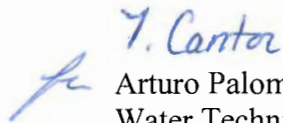
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the System to take the following actions: issue a boil water advisory and public notice until notified by the EPA that this is no longer needed; provide an alternate source of water; submit a plan and schedule for any corrective actions identified to prevent bacteriological contamination of the System; and disinfect and flush the System.

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 Christina Carballal at (800) 227-8917, extension 6046, or

303-312-6046, or by email at carballal-broome.christina@epa.gov. Any questions from counsel for the System should be directed to Mia Bearley, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6554, or by email at bearley.mia@epa.gov.

Thank you for your attention to this matter.

Sincerely,


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

Enclosures

cc: Mr. Cases Wright, Equine Manager, (via email equine@myfxr.com)
Ms. Rhona Stahl, Chairman of the Board, (via email rstahl20@msn.com)
Mr. Rick Newman, Flying X, (via email rnewman@ajifence.com)
Mr. Ken Jones, Flying X, (via email fxr@myfxr.com)
Albany County Commissioners, (via email tchestnut@co.albany.wy.us)
WY DEQ/DOH, (via email)
Ms. Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
Guide Rock, Ltd. and)
Flying X Ranch Corporation,)
(Flying X Ranch PWS ID #WY5601104))
)
Respondents. _____)

Docket No. ~~SDWA-08-2018-0024~~

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**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 officials have 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 may present an imminent and substantial endangerment to the health of persons, and appropriate state and local authorities have not acted, or do not have the authority to act, to protect the health of such persons.

FINDINGS

3. Respondent Guide Rock, Ltd. is a Wyoming limited partnership.
4. Respondent Flying X Ranch Corporation is a Wyoming corporation.
5. Each Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. Respondents own and/or operate the Flying X Ranch Public Water System (System), which provides piped water to the public in Albany County, Wyoming, for human consumption.
7. The System is supplied by a ground water source accessed via four wells. The water is disinfected with sodium hypochlorite tablets at the two 2,500-gallon storage tanks. The System is seasonally operated from May through October.
8. The System has 85 service connections and regularly serves 136 individuals daily for at least 60 days out of the year.
9. The System is a “public water system” as defined in 40 C.F.R. § 141.2 and section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, is subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. part 141.

10. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order and with State and local authorities to confirm that they are not acting to address the situation in this Order.

11. 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 paragraphs 12 and 13 below. The EPA has determined that this Order is necessary to protect public health.

12. *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.

13. On July 11, 2018, the EPA was notified that a routine bacteriological sample collected from the System on July 10, 2018, was analyzed as positive for total coliform. On July 13, 2018, the EPA was notified that one of three repeat bacteriological samples (see 40 C.F.R. § 141.858) collected on July 12, 2018, tested positive for total coliform and *E. coli*.

14. In addition, a violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has an *E. coli*-positive repeat sample following a routine total coliform positive sample. These circumstances have occurred at the System, as set forth in paragraph 13, above, and, therefore, Respondents violated the *E. coli* MCL. 40 C.F.R. § 141.860.

15. On July 13, 2018, the EPA provided Respondents with a public notice template for a boil water advisory, and Respondents notified persons served by the System of the contamination on July 13, 2018.

ORDER

INTENT TO COMPLY

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

BOIL ORDER AND PUBLIC NOTICE

17. The boil water advisory referenced in paragraph 15, above, shall remain in place until the EPA provides written notification to Respondents that the boil order is no longer needed.

18. 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

19. Using the public notice referenced in paragraph 15, 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. Respondents 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. No later than five days after the effective date of this Order (see paragraph 34, below), Respondents shall provide the EPA with a copy of this notification.

CORRECTIVE MEASURES

20. Within 15 days after the effective date of this Order, Respondents shall provide the EPA with a plan and schedule that outlines actions taken 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 13, if possible, and describe the corrective action to prevent a recurrence of contamination in the System. If applicable, the plan shall 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.

21. The schedule required by paragraph 20, 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.

22. Within five days of completing corrective action, Respondents shall notify the EPA in writing of the date corrective action was completed.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

23. Within 24 hours after completing corrective action, Respondents shall disinfect and flush the System.

24. Within 24 hours after disinfecting and flushing the System as required by paragraph 23, above, Respondents shall collect consecutive daily (one sample per day) samples from each of the three distribution systems and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E.coli*.

25. After Respondents receive written notification from the EPA that they may discontinue daily total coliform and *E.coli* sampling, Respondents must collect weekly bacteriological samples (one sample per week) and mark them as "special purpose" samples. Respondents shall ensure that each sample is analyzed for total coliform and *E.coli*.

26. After Respondents receive written notification from the EPA that it may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.854(i)(2).

27. Respondents 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. §§ 141.402 (to collect an additional source water sample) and 141.858 (to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result). If a future repeat sample is positive for total coliform and/or *E. coli*, Respondents shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

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

REPORTING

29. Respondents must give weekly updates to the EPA on the progress of scheduling a Level 2 assessment (see 40 C.F.R. §§ 141.2 and 141.851-141.861) by an EPA-approved third party, disinfecting and flushing the System, and monitoring for total coliform. Updates must be submitted to the EPA until the EPA provides written notification to the Respondents that reports may be discontinued. These reports may be submitted via phone or e-mail.

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


Christina Carballal
via e-mail: carballal-broome.christina@epa.gov
Telephone (800) 227-8917, ext. 6046, or (303) 312-6046

31. This Order does not relieve Respondents from their obligation to comply with any applicable federal, state, or local law.

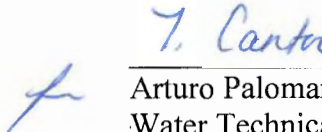
32. Failure to comply with this Order may result in civil penalties of up to \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).

33. 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).

34. Issued and effective this 17th day of July, 2018.



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



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