



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2011 JUN 21 PM 2:45

JUN 21 2011

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

T.A. Guest Ranch, Inc.
c/o Mr. Frank Rotellini, Registered Agent
40 W. Hart St.
Buffalo, WY 82834

RE: Emergency Administrative Order
under Section 1431 SDWA
Docket No. **SDWA-08-2011-0047**
T.A. Guest Ranch Public Water System
PWS ID #WY5601618

Dear Mr. Rotellini:


Enclosed is an Emergency Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i. This Order is based on test results on June 14, and June 17, 2011, indicating the presence of E. coli bacteria in the distribution system and water source at the T.A. Guest Ranch public water system (the System), which is owned by T.A. Guest Ranch, Inc. (the company) The System's water may pose an imminent and substantial endangerment to the health of 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 it finds 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 the company must take to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part, that the company issue a Boil Order and public notice until notified by EPA that it may discontinue doing so, provide alternate water until the water supplied by the System is found to be safe, provide immediate disinfection for water in the System, collect additional samples of water in the System for bacteriological testing, and submit a plan for correcting the situation and preventing future E. coli-related incidents. The penalties for failing to comply are set forth in the Order.

If the company is represented by an attorney who has any questions or wishes to discuss this Order, the attorney should contact Peggy Livingston, Enforcement Attorney, at 800-227-8917, extension 6858, or at (303) 312- 6858. Technical questions from the company may be directed to Mario Mérida at the above 800 number, extension 6297, or 303-312-6297.

Sincerely,



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

Enclosure

cc: WY DOH & DEQ (via email)
Tina Artemis, EPA Regional Hearing Clerk
Albert Wilden, Chairman, Johnson County Commissioners
Earl Madsen, President, T.A. Guest Ranch, Inc.
Kirsten Giles, Operator, T.A. Guest Ranch (via e-mail)

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IN THE MATTER OF

T.A. Guest Ranch, Inc.,

Respondent.

FILED
EPA REGION VIII
HEARING CLERK
EMERGENCY ADMINISTRATIVE

ORDER

Docket No. **SDWA-08-2011-0047**

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the Safe Drinking Water Act or 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 \$16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.

3. EPA may issue orders under section 1431 of the Act when certain conditions exist that may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).

4. T.A. Guest Ranch, Inc. (Respondent) is a corporation and therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).

5. Respondent owns and/or operates the T.A. Guest Ranch drinking water system (the System), located in Johnson County, Wyoming, which provides water to the public for human consumption through pipes or other constructed conveyances.

6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act and its implementing regulations, 40 C.F.R. part 141 (also known as the drinking water regulations).

7. The System serves an average of approximately 25 persons daily at least 60 days of the year, and therefore is a "public water system" as defined in the Act.

8. EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to human health. EPA has made this determination based on two sample results. One sample was collected in the System's distribution system on June 14, 2011, by the operator. This sample was determined to be total coliform and E. coli-positive. While repeat samples collected in the System's distribution system on June 16 by the operator were safe, a source water sample, collected due to requirements of the EPA's Ground Water Rule (40 C.F.R. part 141, subpart S) on June 17, 2011, by the operator was also total coliform and E. coli-positive. 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 health 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.

9. Prior to issuing this Order, EPA consulted with the System and state or local governmental authorities to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

10. 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.

BOIL ORDER AND PUBLIC NOTICE

11. Within 24 hours of receipt of this Order, Respondent shall notify the public of the problem described in this Order by distributing a boil water advisory to each occupied room at the T.A. Guest Ranch (the ranch) and by posting the advisory at the registration desk, notice board, and/or other conspicuous location at the ranch. Directions on the required content and distribution of the public notice and advisory are included as an

attachment to this Order. Respondent shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondent shall continue the public notice as set forth in the attachment until EPA provides written notification that public notice may be discontinued. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement upon any E. coli-positive result in the System's distribution system or source.

ALTERNATE WATER SUPPLY

12. Using the public notice required in paragraph 11 above, Respondent shall notify the public that an alternative potable water supply is available. The alternative water supply must be 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 drinking water regulations and shall be made available at no cost to all users of the System as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide at least two liters of potable water daily per person.

INITIAL COMPLIANCE MEASURES

13. Immediately upon receipt of this Order, Respondent shall add chlorine to the storage tanks until water leaving the tanks has a free chlorine residual of at least 1.0 milligrams per liter (mg/l) but no more than 4.0 mg/l. Respondent shall maintain this chlorine residual level until notified in writing by EPA that this level of chlorination is no longer required.

14. Respondent shall monitor and record chlorine residual of the water leaving the System's storage tanks daily to ensure a chlorine residual between 1.0 mg/l and 4.0 mg/l. Respondent shall report the daily chlorine residual measurements to EPA daily by fax or email, until notified by EPA that this is no longer required.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

15. If Respondent has not already done so, Respondent must collect five additional source water samples from the same source that tested E. Coli-positive on June 17, 2011, test these samples for the same contaminant per 40 C.F.R. § 141.402(a)(3), and submit results to EPA. Respondent was required to collect these additional samples within 24 hours of being notified of the June 17th E. coli-positive source sample, above.

16. If Respondent has not already done so since June 17, 2011, Respondent shall, within 24 hours of receiving this Order, clean, flush, and disinfect the System, including disinfection of the System's distribution system and any storage tanks that are part of the System.

17. Once the System has been flushed and disinfected, Respondent shall collect consecutive daily (1 sample per day) special purpose total coliform samples from the System's distribution system.

18. After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the System have been negative, Respondent shall collect weekly special purpose bacteriological samples (1 sample per week).

19. Respondent shall monitor the chlorine residual at the same time and same location as the System's special purpose total coliform samples (as required in paragraphs 17 and 18 above). Respondent shall maintain a detectable disinfectant residual as measured at the far end of the System's distribution system.

20. After Respondent receives written notification from EPA that Respondent may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of weekly total coliform sample results from the System have been negative, Respondent shall collect monthly total coliform samples.

21. After Respondent receives written notification from EPA that Respondent may discontinue monthly total coliform sampling based on EPA's determination that a sufficient number of monthly total coliform sample results from the System have been negative, Respondent shall resume quarterly total coliform sampling to determine compliance with the total coliform maximum contaminant level (MCL). 40 C.F.R. §§ 141.21 and 141.63.

22. Respondent shall collect all total coliform samples at sites that are representative of water throughout the System's distribution system. Additionally, Respondent shall report all coliform and chlorine residual sampling results to EPA by fax or e-mail immediately upon receiving the results.

23. For the monthly sampling in paragraph 20 above, Respondent shall, before having that sample analyzed, designate one sample as the quarterly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

24. EPA may require Respondent to increase and/or decrease total coliform sampling at any time while the Order is in effect.

ADDITIONAL COMPLIANCE MEASURES

25. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure the supply of safe water throughout the System's distribution system. If possible, the plan shall identify the cause of the positive E. coli and total coliform samples mentioned above. The plan shall also describe efforts Respondent will take to prevent recurrence of total coliform and E. coli positive contamination in the System's distribution system. The plan shall include proposed System modifications, estimated costs of modifications, a schedule for completion of the project and compliance with the Order and Federal requirements. Further, the compliance plan and schedule must include any actions required to address any "significant deficiencies" in the System relevant to the current situation that may be identified during a sanitary survey of the System undertaken by EPA. The proposed schedule shall include specific milestone dates and a final compliance date to be completed within 2 months from the date of EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) that may also be required before modifications can be made to the System.

26. The plan and schedule required by paragraph 25, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA. EPA may incorporate the above required plans into a new administrative order. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

27. Respondent shall submit monthly reports to EPA on the status of all corrective measures until notified in writing by EPA that it may discontinue reports. Reports shall be postmarked by the 15th of each month.

28. Within 10 days of completion of the approved plans and schedule required in paragraph 25, Respondent shall notify EPA in writing of project completion.

REPORTING

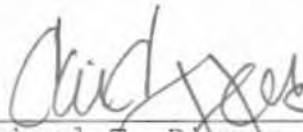
29. In addition to the reporting requirements in paragraph 22, above, Respondent shall give daily updates to EPA on the progress of returning the System to compliance. Daily updates must be submitted to EPA until EPA notifies the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

30. All contact with EPA (other than with counsel) on this matter shall be to:

Mario Mérida, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6297 or (303) 312-6297
Fax (303) 312-7518
e-mail: merida.mario@epa.gov

31. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

Issued and effective this _____ day of _____, 2011.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be posted in conspicuous locations throughout the area served by the T.A. Guest Ranch Water System and as per paragraph 11 of the Emergency Administrative Order. 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:

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 Item 11 below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
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 System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as 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.

The Public Notice must also include the following:

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE T.A. GUEST RANCH 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.

Please send a copy of your notice and dates posted to:

Mario Mérida
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Mario Mérida at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification
was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

DO NOT DRINK THE WATER

_____ water is
Name of Water System

Contaminated with *E.coli*

E. coli bacteria were found in the water supply on (Date) _____. These bacteria can make you sick, and are a particular concern for infants, young children and people with weakened immune systems.

WHAT SHOULD I DO?

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. Bring all water to a boil, let it boil for 3 minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.

- *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause 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.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

WHAT HAPPENED? WHAT IS BEING DONE?

As our customers, you have a right to know what happened and what we are doing to correct this situation. On (Date) _____, we learned that one of our routine samples collected (Date) _____ was total coliform positive. As required by EPA's Ground Water Rule, one of our follow-up steps was to collect samples from the ground water source(s). The sample(s) from the ground water source(s) collected on (Date) _____ tested positive for a fecal indicator (*E. coli*). We are now conducting a thorough investigation to determine the source of the contamination.

We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within _____ (estimated time frame).

For more information, please contact _____ at _____ or _____
(Name of PWS contact) (Phone number)

(Mailing Address of Contact)

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.