



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street

DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JUL 18 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kevin Vanzee, Board President
Flying X Ranch Mobile Home Park
799 Halleck Canyon Road
Wheatland, WY 82201

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. SDWA-08-2008-0079
PWS ID #WY5601104

Dear Mr. Vanzee:

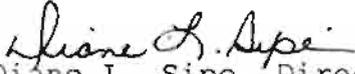
Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. On July 17, 2008, EPA was notified that the Flying X Ranch Mobile Home Park water system (the "system") obtained total coliform and E. coli positive samples from monitoring conducted on July 11, 2008 at the system. This situation 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 are 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.

If you have any questions or wish to discuss this Order, please contact Shawn McCaffrey at (800) 227-8917 X 6515 or 303-312-6515. If you are represented by an attorney or have legal questions, please call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,


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

Enclosure
Emergency Administrative Order

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JUL 16 AM 8:09

IN THE MATTER OF)
)
Flying X Ranch Mobile Home Park)
)
Kevin Vanzee, Board President)
Wheatland, WY) EMERGENCY ADMINISTRATIVE
Respondent) ORDER
)
PWS ID #: WY5601104) Docket No. SDWA-08-2008-0079
)
)
Proceedings under section 1431)
Of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
)

AUTHORITY AND FINDINGS

This 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.

Failure to comply with this order may result in civil penalties of up to \$16,500 per day. 42 U.S.C. § 300i(b).

EPA may issue such orders when certain conditions exist which 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).

Kevin Vanzee (Respondent) is a "person" within the meaning of Federal law. 40 C.F.R. § 141.2.

Respondent owns and/or operates the Flying X Ranch Mobile Home Park system ("system"), located in Albany County, Wyoming that provides water to the public for human consumption.

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, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.

The system serves an average of 300 persons daily at least 60 days of the year (during the summer), and 11 persons daily during the winter through 66 service connections, and is therefore a "public water system" as defined in the Act.

EPA has determined that conditions exist at Respondent's system that may present an imminent and substantial endangerment to human health. EPA has made this determination based on four samples taken at sampling point 3 (SP03) and four samples taken at sampling point 5 (SP05), all of which were analyzed on July 11, 2008. At SP03, two samples were positive for E. coli and two were positive for total coliform. At SP05, two samples were positive for E. coli and four were positive for total coliform.

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 appropriate state and local authorities have not acted to protect health and that this order is necessary to protect human health.

FINDINGS OF VIOLATION

1. Respondent is required to consult with EPA as soon as practical, but no later than 24 hours after the public water system learns of a situation with significant potential to have serious adverse effects on human health as a result of short-term exposure. 40 C.F.R. § 141.202(b)(2). EPA was not notified within 24 hours following occurrence of the acute MCL at the system and, therefore, violated this requirement.
2. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in July 2008 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

3. 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

4. Within 24 hours of receipt of this Order, Respondent shall notify the public of the problem described in this order in the affected area and distribute a boil water advisory. Directions on the required content for the public notice and advisory are included in attachment A 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 Attachment A until EPA provides written notification to discontinue public notice. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement in any future acute MCL event or any similar emergency situation.

ALTERNATE WATER SUPPLY

5. Using the public notice required in paragraph 4 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 National Drinking Water Regulations ("drinking water regulations") and shall be made available at no cost to all users of the water 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 at a central location that is accessible to all persons served by the water system.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

6. Respondent shall clean, flush, and disinfect the Flying X Ranch Mobile Home Park system including disinfection of the distribution system and any storage tanks that are part of the system.

7. Once the system has been flushed and disinfected, Respondent shall collect consecutive daily (2 samples per day, 1 at SP03 and the other at SP05, per the written sample site plan) special purpose total coliform samples from the distribution system to determine compliance with the total coliform maximum contaminant level (MCL). 40 C.F.R. § 141.63.
8. After Respondent collects a sufficient number of consecutive daily total coliform samples that are negative and receives written notification from EPA to discontinue daily total coliform sampling, Respondent shall collect weekly special purpose bacteriological samples (2 samples per week, 1 at SP03 and the other at SP05, per the written sample site plan) to determine compliance with the total coliform MCL. 40 C.F.R. § 141.63.
9. After Respondent collects a sufficient number of weekly total coliform samples that are negative and receives written notification from EPA to discontinue weekly total coliform sampling, Respondent shall collect (2 samples per month, 1 at SP03 and the other at SP05, per the written sample site plan) monthly special purpose total coliform samples to determine compliance with the total coliform MCL. Respondent shall continue monthly sampling until receiving written notification from EPA to resume quarterly total coliform sampling. 40 C.F.R. §§ 141.21 and 141.63.
10. After Respondent collects a sufficient number of monthly total coliform samples that are negative and receives written notification from EPA to discontinue monthly total coliform sampling, Respondent shall thereafter resume quarterly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.
11. If any of the designated routine sample results is total coliform-positive, Respondent shall collect four repeat samples within 24 hours of being notified of the total coliform-positive sample. 40 C.F.R. § 141.21(b). Furthermore, Respondent shall collect 5 routine total coliform samples in the month following a total coliform-positive sample result. 40 C.F.R. § 141.21(b)(5).

12. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system. Additionally, Respondent shall report all sampling results to EPA by telephone or fax immediately upon receiving the results.
13. Any time the system experiences an acute MCL, Respondent shall immediately notify EPA and issue public notice as set forth in paragraph 4 above.
14. For the total coliform sampling in paragraph 9 above, Respondent shall designate one set of 2 samples as the quarterly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.
15. By providing oral or written notification, EPA may require Respondent to increase and/or decrease total coliform sampling at any time while the Order is in effect.

COMPLIANCE MEASURES

16. 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 compliance with the total coliform MCL. 40 C.F.R. § 141.63. The plan shall identify the cause of the positive E. coli and coliform samples mentioned above and describe efforts which Respondent will take to prevent recurrence of total coliform and E. coli positive 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 and compliance with the Order and Federal requirements. The proposed schedule shall include specific milestone dates and a final compliance date (to be 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) which may also be required before modifications can be made to the system.

17. The plan and schedule required by paragraph 16, above, will 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.
18. Respondent shall submit monthly reports to EPA on the status of all corrective measures until notified in writing by EPA to discontinue reports. Reports shall be postmarked by the 15th of each month.
19. Within 10 days of completion of the approved plans and schedule required in paragraph 16, Respondent shall notify EPA in writing of project completion.

**NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS
ON PUBLIC HEALTH**

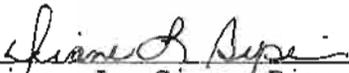
20. Respondent shall notify EPA as soon as practicable, but within 24 hours later, if Respondent learns of a violation or situation with the potential to have serious adverse effects on human health as a result of short term exposure to contaminants. 40 C.F.R. § 141.202(b)(2).

REPORTING

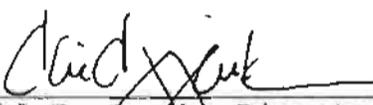
21. Respondent shall give daily updates to EPA on progress of returning the System to compliance. Daily updates must be submitted to EPA until EPA notifies the system that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.
22. All contact with EPA shall be to:

Shawn McCaffrey, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6515 or (303) 312-6515
Fax (303) 312-7202
e-mail: mccaffrey.shawn@epa.gov

23. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter.
24. Issued and effective this 13th day of July, 2008.



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



David J. Zank, Director
Matthew Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice