

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF)
)
Northwest Rural Water District)
)
Northwest Rural Water District)
Public Water System)
PWS ID# WY5601254)
)
Respondent.)

Docket No. SDWA-08-2021-0027

**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 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 to protect the health of such persons.

FINDINGS

3. The Northwest Rural Water District (Respondent) is a municipality, that owns and/or operates the Northwest Rural Water District Public Water System (System), which provides piped water to the public in Park 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 purchases surface water from the Shoshone Municipal Pipeline Public Water System (WY5601198). The System’s water is metered at seven connections. The South Fork Service Connection (CC05), which is part of the System, consists of the South Fork Pump, three booster pump stations and nine drinking water storage tanks. The System is required to maintain a detectable chlorine residual in the distribution system. The System is operated year-round. Chloramine treatment is provided by the Shoshone Municipal Pipeline Public Water System.
6. The System has 2,290 service connections and regularly serves 6,187 individuals year-round. The South Fork Service Connection (CC05) has 525 service connections and serves approximately 584 individuals year-round.

7. 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 at 40 C.F.R. part 141.

8. 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 ascertain they have not acted to protect the health of persons in this instance.

9. The EPA has determined that conditions exist at the System, specifically at the Level 1 Service Area Tank #2 (Tank #2), that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraph 10, below. The EPA has determined that this Order is necessary to protect public health.

10. Cleaning and inspection of all storage tanks along the South Fork Service Connection (CC05), occurred on June 14 and June 15, 2021. During a contractor’s cleaning and inspection of the Tank #2, divers found multiple mice carcasses in Tank #2. The Chief Operator for Northwest Rural Water District was onsite during the cleaning and inspection and immediately isolated the Tank #2 from the distribution system and notified the EPA.

11. On June 16, 2021, the EPA provided Respondent with a public notice template to notify customers of the carcass contamination event referenced in paragraph 10, above.

ORDER

INTENT TO COMPLY

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

PUBLIC NOTICE

13. Respondent shall notify the public, as soon as possible but no later than 48 hours of receipt of this Order, of the situation described in this Order and corrective actions being taken, by distributing a public notice. Respondent must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q, including submitting a copy of the public notice along with the certification to the EPA within 10 days of its distribution.

CORRECTIVE MEASURES

14. Prior to returning the Tank #2 to service, Respondent shall drain, clean, and disinfect Tank #2 including the overflow prior to refilling it, following the American Water Works Association guidance. The cover for the combined drain/overflow opening of Tank #2 shall be refitted with #24 mesh screen. After Tank #2 has been properly cleaned, disinfected and the #24 mesh screen replaced, Respondent shall collect three samples from the Tank #2 and mark them “*special purpose*” samples. Respondent shall ensure that each sample is analyzed for total coliform and *E. Coli*.

15. Within seven days after the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines actions taken or to be taken to prevent a recurrence of carcass contamination in the System. If applicable, the plan shall include system modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestones dates and a final completion date (to be within 1 month 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.

16. The schedule referenced in paragraph 15, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

17. Within five days of completing the corrective actions, Respondent shall notify the EPA in writing of the date corrective actions were completed.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

18. Within 48 hours after providing the notification required by paragraph 17, above, Respondent shall disinfect and flush the distribution system service areas receiving drinking water from Tank #2 unless the EPA indicates other required monitoring is needed prior to disinfecting and flushing.

19. Following disinfecting and flushing of the distribution system, beginning on the first date when total chlorine residual levels have returned to normal (1.0-1.2 milligrams/liter) at the most distant point in distribution service area receiving drinking water from Tank #2, Respondent shall collect consecutive daily (one sample per day) “special” purpose (defined in 40 C.F.R. § 141.853(b)) total coliform samples, until notified in writing by the EPA that consecutive daily sampling may be discontinued. 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. Along with the total coliform sample collection, Respondent shall measure the chlorine residual indicating free or total, as applicable, and provide these measurements along with the total coliform analysis from the laboratory.

20. After Respondent receives written notification from the EPA that it may discontinue consecutive daily “special” coliform sampling under paragraph 19, above, Respondent shall collect weekly “special” total coliform samples (one sample per week).
21. After Respondent receives written notification from the EPA that it may discontinue weekly “special” coliform sampling under paragraph 20, above, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.855 to determine compliance.
22. Respondent shall collect all routine coliform samples at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by Respondent. Additionally, Respondent 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.
23. The EPA may require Respondent to increase sampling at any time while this Order is in effect.

REPORTING

24. Respondent must give weekly updates to the EPA on the progress of disinfecting and flushing the distribution system and refitting the combined drain/overflow with a #24 mesh screen. Updates must be submitted to the EPA weekly 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.
25. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:

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

26. This Order does not relieve Respondent from the obligation to comply with any applicable federal, or local law.
27. Failure to comply with this Order may result in civil penalties of up to \$24,674 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 85 Fed. Reg. at 83821 (December 23, 2020).
28. 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).

29. 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.

30. 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.

31. Issued and effective this 16th day of June 2021.

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