



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region080>

MAY 21 2008

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LoAnn Burge, Chairperson
Lower Bench Water & Sewer
P.O. Box 412
Lyman, WY 82937

Rocky Irick, Operator
Lower Bench Water & Sewer
P.O. Box 615
Mountain View, WY 82939

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. SDWA-08-2008-0059
PWS ID #WY5601031

Dear Ms. Burge and Mr. Irick:

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 May 20, 2008, EPA was notified that the Bridger Valley Joint Powers Board water system was shut down on May 19, 2008 due to an inability to produce water below the 0.3 Nephelometric Turbidity Unit (NTU) finished water turbidity limit. Sometime during the night of May 19, 2008, the System ran out of water in the storage tanks leading to a loss of pressure in the distribution system, which may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. These conditions may pose an imminent and substantial health endangerment to persons served by the system. Since the Lower Bench Water & Sewer District public water system is a consecutive water system to the Bridger Valley Joint Powers Board water system, EPA is issuing an Administrative Order to the Lower Bench Water & Sewer District in order to ensure the protection of public health for residents and water consumers.

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 Lower Bench Water & Sewer District issue a public notice until notified by EPA to discontinue and take additional total coliform bacteria samples. The Order also requires that Bridger Valley Joint Powers Board provide an alternate source of water for the Lower Bench Water & Sewer District 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 Kimberly Pardue Welch at (800) 227-8917 X 6983 or 303-312-6983. If you are represented by an attorney or have legal questions, please call Amy Swanson at the above 800 number, extension 6906, or at (303) 312-6906.

Sincerely,



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

Enclosure

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 MAY 21 PM 3:18

IN THE MATTER OF)
)
Lower Bench Water & Sewer District)
P.O. Box 412)
Lyman, WY 82937)
)
Respondent)
)
PWS ID #: WY5601031)
)
Proceedings under section 1431)
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

EMERGENCY
ADMINISTRATIVE
ORDER

Docket No. SDWA-08-2008-0059

STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

JURISDICTION

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431, 42 U.S.C. § 300i.
2. EPA has primary enforcement responsibility for the Act in the State of Wyoming.

FINDINGS

1. The Lower Bench Water & Sewer District ("Respondent") is an association, and is therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates the Lower Bench Water & Sewer District water system (the "System"), located in Uinta County, Wyoming, for the provision to the public of piped water for human consumption.
3. The Lower Bench Water & Sewer District water system has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141. The Lower Bench Water & Sewer District is a consecutive system (with a

combined distribution system) of the Bridger Valley Joint Powers Board water system. The Lower Bench Water & Sewer District public water system serves approximately 240 residents through 47 service connections.

5. On May 19, 2008, the Lower Bench Water & Sewer District public water system experienced a disruption in service. EPA has determined that conditions exist at Respondent's System that may present an imminent and substantial endangerment to the health of persons. During the evening of May 19, 2008, the Bridger Valley Joint Powers Board water system which provides water to the Lower Bench Water & Sewer District water system was shut down due to an inability to produce water below the 0.3 Nephelometric Turbidity Unit (NTU) finished water turbidity limit. Sometime during the night, the Bridger Valley Joint Powers Board water system ran out of water in the storage tanks. This led to a loss of pressure in the Lower Bench Water & Sewer District's distribution system. This may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure.

Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system.

6. 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 Wyoming.
7. EPA has provided technical assistance to the wholesale provider Bridger Valley Joint Powers Board water system and State and local officials have been notified.
8. By issuing this Order, EPA supports and seeks to continue the initial efforts to protect public health by State and local officials.

EMERGENCY ADMINISTRATIVE ORDER

A. BOIL ORDER AND PUBLIC NOTICE

1. Respondent shall provide public notice in the affected area as set forth in this Order. No later than 24 hours after the date of this Order, Respondent shall provide a notice to the public of the conditions which resulted in a potential threat to public health. This public notice shall be posted in conspicuous locations throughout the area served

by the water system and hand delivered to persons served by the Lower Bench Water & Sewer District. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations ("NPDWRs") violations. 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:

- a. 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 section b. 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;

- (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 public water 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.

b. 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:

During the evening of May 19, 2008, the Bridger Valley Joint Powers Board water system was shut down due to an inability to produce water below the 0.3 NTU finished water turbidity limit. Sometime during the night, the System ran out of water in the storage tanks leading to a loss of pressure in the Lower Bench Water & Sewer Districts' distribution system which can cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the

distribution system that are common in all water systems. Such a system failure carries with it a high potential that fecal contamination or other disease causing organisms could enter the distribution system.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE 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.

2. Respondent shall continue the public notice as set forth above until EPA Region 8 provides written notification to discontinue public notice.
3. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this regulation in any future water outage event or any similar emergency situation.

B. ALTERNATE WATER SUPPLY

Upon the effective date of this Order, Respondent shall notify all water users of Respondent's water system that an alternative potable water supply is available and shall be provided by Bridger Valley Joint Powers Board. The alternative water supply must be made

available at no cost as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Bridger Valley Joint Powers Board is responsible for providing the alternative water at a central location that is accessible to all persons served by the Lower Bench Water & Sewer District water system, and shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the water system.

C. NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS ON PUBLIC HEALTH

1. Notify EPA as soon as practicable, but within 24 hours after 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, as determined in the regulations or by EPA on a case-by-case basis (40 C.F.R. § 141.203(b)(2) and 141.202 (a)(8)). Lower Bench Water & Sewer District must comply with this regulation in any future water outage event or any similar emergency situation.

D. INTENT TO COMPLY

1. 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. The written response shall include a general plan for compliance with each of the elements of this Order.

E. DISTRIBUTION SYSTEM DISINFECTION AND MONITORING

REQUIREMENTS

1. Once the Bridger Valley Joint Powers Board treatment plant is back online, Respondent shall clean and flush the System including disinfection of the distribution system and any storage tanks that are part of the System.
2. Once the System has been flushed and disinfected, and the Bridger Valley Joint Powers Board treatment plant is complying with the 0.3 NTU limit, Respondent shall collect consecutive daily (one sample per day) special purpose total coliform samples of the water from the distribution system to determine compliance with the maximum contaminant level (MCL) as set forth in 40 C.F.R. § 141.63. Respondent shall continue daily total coliform monitoring until receiving written notice from EPA to discontinue daily sampling. Respondent shall report daily total coliform sampling results to EPA by telephone or fax immediately upon receiving the laboratory results.

3. After Respondent collects a sufficient number of consecutive daily total coliform samples from the System that are negative and receives written notification from EPA to discontinue daily total coliform sampling, Respondent shall conduct weekly bacteriological sampling to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report weekly total coliform sampling results to EPA by telephone or fax immediately upon receiving the laboratory results.
4. Respondent shall continue weekly bacteriological monitoring from the distribution system until Respondent receives notification from EPA to discontinue weekly bacteriological sampling. Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.21 to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. 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 2 and 3 above) until Respondent receives notification from EPA to discontinue special sample total coliform monitoring. Respondent shall report chlorine residual results to EPA by telephone and facsimile each day along with the total coliform results. EPA may change the frequency of required chlorine residual monitoring while this Order is in effect.

6. For the total coliform sampling in paragraph 3 above, Respondent shall designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform set forth within 40 C.F.R. § 141.63. Respondent shall report the compliance results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
7. By providing oral or written notification, EPA may require Respondent to increase and/or decrease total coliform sampling any time while the Order is in effect.
8. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system.
9. If any one of the designated routine sample results are total coliform-positive, Respondent shall conduct

repeat sampling as required by 40 C.F.R. § 141.21(b), which requires public water systems that collect five or fewer total coliform samples to collect a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(b)(5), which requires public water systems that collect five or fewer total coliform samples to collect a total of 5 routine total coliform samples the month following a total coliform-positive sample result.

E. REPORTING

1. 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.
2. All reports and notifications herein required shall be submitted to:

Kimberly Pardue - Welch, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6983 or (303) 312-6983
Fax (303) 312-7518
e-mail: Pardue-Welch.Kimberly@epa.gov

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under section 1431(a) of the Act, 42 U.S.C. § 300i(a), may subject the Respondent to a civil penalty not to exceed \$16,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance.

Issued this 21 day of May, 2008.

L. Sipe for

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

Matt Cohn

David J. Janik, Acting Director
Matt Cohn, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Instructions for Fecal Coliform or *E. Coli* Notice – Community (Tier 1)

Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- X Radio
- X Television
- X Hand or direct delivery
- X Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system—you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We are chlorinating and flushing the water system.
- X We are switching to an alternate drinking water source.
- X We are increasing sampling for coliform bacteria to determine the source of the contamination.
- X We are repairing the wellhead seal.
- X We are repairing the storage tank.
- X We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the your primacy agency within ten days from the time you issue the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

DRINKING WATER WARNING

Lower Bench Water & Sewer District water system lost pressure in the distribution system

BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The Bridger Valley Joint Powers Board water system which provides water to the Lower Bench Water & Sewer District water system was shut down due to an inability to produce water below the 0.3 Nephelometric Turbidity Unit (NTU) finished water turbidity limit. Sometime during the night, the Bridger Valley Joint Powers Board water system ran out of water in the storage tanks. This led to a loss of pressure in the Lower Bench Water & Sewer District's distribution system. This may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for three 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.
- Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
- *Bacteria and other organisms can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly 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?

[Give a description of what is being done, where consumers may get an alternate source of water (provided by Bridger Valley), etc.]

For more information, please contact [name of contact] at [phone number] or [mailing address]. 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.

This notice is being sent to you by Lower Bench Water & Sewer District.
Water System ID#: WY5601031.
Date distributed: _____

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

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

Kimberly Pardue Welch
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch 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 _____