



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUL 23 2015

Ref: 8ENF-W

BY EMAIL AND BY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Larry Stepp, Mayor
City of LaBarge
P.O. Box 327
LaBarge, Wyoming 82123

RE: Emergency Administrative Order under Section 1431 SDWA, Town of LaBarge Public Water System, PWS ID #WY5600222, Docket No. **SDWA-08-2015-0027**

Dear Mayor Stepp:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Town of LaBarge (Town) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Town of LaBarge Public Water System (System) that may present an imminent and substantial endangerment to the health of persons served by the System. The EPA has made this determination based on a tank inspection report that identified contamination in two finished water storage tanks, and a sanitary survey that indicated questionable integrity of the finished water storage tanks.

Pursuant to its 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. This Order and its requirements are necessary to ensure adequate protection of public health at the System based on the EPA's primary enforcement responsibility under the Act.

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, among other things, that the Town inspect tanks for contamination, investigate cause(s) of previously identified contamination, and measure and report chlorine residual in the distribution system. The penalties for failing to comply are set forth in the Order.

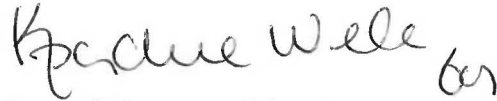


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If you have any questions or wish to discuss this Order, please contact Olive Hofstader at (800) 227-8917, extension 6467 or 303-312-6467. Any questions from counsel for the Town should be directed to Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Arturo Palomares" with a stylized flourish at the end.

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

Enclosures

Emergency Administrative Order

cc: Tina Artemis, EPA Regional Hearing Clerk



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 JUL 23 AM 8:18

IN THE MATTER OF)

Town of LaBarge)
PWS ID 5600222)

Respondent.)

DOCKET No. SDWA-08-2015-0027

FILED
EPA REGION VIII
HEARING CLERK

EMERGENCY ADMINISTRATIVE ORDER

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (the 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 \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), when certain conditions exist which may present an imminent and substantial endangerment to the health of humans, and other state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The Town of LaBarge (Respondent) is a Wyoming municipality.
5. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. Respondent owns and/ or operates the Town of LaBarge Public Water System (System) located in Lincoln County, Wyoming, which provides water to the public for human consumption.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are “public water systems” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations at 40 C.F.R. part 141.
8. The System serves an average of 510 persons daily at least 60 days per year through 256 service connections, and is, therefore, a public water system as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4).
9. The EPA has determined that this Order is necessary to protect human health.
10. Prior to issuing this Order, the EPA consulted with Respondent and with State and/or local governmental authorities to confirm the facts stated in this Order and to confirm that state and local governments are unable to act to protect public health in this instance.

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 below.

12. The System includes two tanks that store treated water. After being stored in these tanks, the water is sent to the System's distribution system for consumption by the System's customers without further treatment. The two storage tanks are a 500,000-gallon tank (Tank 1) and a 125,000-gallon tank (Tank 2).

13. On July 15, 2015, the EPA conducted a sanitary survey of the System. During this survey, they noted that the integrity of Tank 2 had been compromised in a way that could allow contaminants to be present or likely to enter it and that Tank 1 was not equipped with a flapper valve and gasket.

14. During the sanitary survey referenced in paragraph 13, the EPA received reports and video from an inspection and cleaning of the two storage tanks that a third party cleaning company had performed in August of 2014. From the video of the inspection, it was apparent that cleaning company had identified 30 to 40 dead rodents in various stages of decomposition in the two tanks. The cleaning company's report also indicated that Tank 2's roof was in poor condition, with heavy spalling, exposed reinforcements and open holes, and that Tank 2's water was exposed to the outside elements.

ORDER

INTENT TO COMPLY

15. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

REQUIREMENTS

16. Within 48 hours of receipt of this Order, Respondent shall begin daily monitoring of chlorine residual in the distribution system, and report results to the EPA daily, on the same day of monitoring.

17. Respondent shall report all results of sampling of the System's water to the EPA by telephone or fax immediately upon (i.e., as soon as practicable, and in no event more than 24 hours after) receiving the results.

18. The EPA may require Respondent to provide public notice and an alternative source of drinking water to all customers if contamination is identified in Tank 1 and/or Tank 2.

19. The EPA may require Respondent to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

COMPLIANCE MEASURES

20. Within seven days of the effective date of this Order, Respondent shall have both storage tanks inspected by a third-party company with expertise in the field.

21. If the tank inspections indicate that contaminants have re-entered either or both tanks, Respondent shall drain and disinfect both tanks.

22. Additionally, if the tank inspections indicate new contamination in either or both tanks, Respondent shall submit a plan and schedule to the EPA within 15 days for professional repair of the tanks. The proposed schedule shall include specific milestone dates and a final deadline (to be within 60 days of Respondent's receipt of this Order) for taking actions to ensure that rodent-related contaminants do not enter the System in the future. The schedule must be approved by the EPA before construction or modifications may commence. The EPA's approval of Respondent's 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.

23. The plan and schedule required by paragraph 22, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA. The EPA may incorporate the above required plans into a new administrative order. If implementation of the plan fails to achieve permanent compliance and/or to alleviate the imminent and substantial endangerment, the EPA may order further steps and/or seek penalties as appropriate.

24. Within 14 days of receipt of this Order, Respondent shall commence an investigation to determine how rodents gained access to Tank 1 and Tank 2. Respondent shall finish this investigation within 30 days of receipt of this Order and shall report findings of the investigation to the EPA immediately upon identification of the entry pathway(s).

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS ON PUBLIC HEALTH

25. Respondent shall initiate consultation with the EPA as soon as practicable (in no event more than 24 hours) after learning of any violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants, as required by 40 C.F.R. § 141.202(b)(2). The Respondent must comply with this regulation in any future event that may pose a threat to public health or any similar emergency situation.

REPORTING

26. Respondent shall give daily updates to the EPA on progress of inspecting and investigating the tanks. Daily updates must be submitted to the EPA until the EPA notifies the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

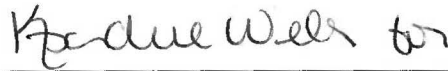
27. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Olive Hofstader, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6297, or (303) 312-6467
Fax (303) 312-7518
e-mail: hofstader.olive@epa.gov

28. This Order does not relieve Respondent from the obligation to comply with any applicable federal, state, or local law.

29. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of the SDWA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).

30. This Order is and effective this 23rd day of July, 2015.



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



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice