



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2019 AUG -2 PM 4: 28

FILED
EPA REGION VIII
HEARING CLERK

AUG 02 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

Ms. Laura Ladd, Owner
Mr. Dylan King, General Manager
GT Halpin Family Holdings LLC
PO Box 610
Jackson, Wyoming 83001

Re: Emergency Administrative Order under SDWA Section 1431
LCRH20, LLC Public Water System, PWS ID #WY5600500 NC,
Docket No. **SDWA-08-2019-0036**

Dear Mr. King and Ms. Ladd:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to you and GT Halpin Family Holdings LLC, as owners/operators of the LCRH20, LLC Public Water System (System), under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on a notification from Teton County Public Health Lab on August 1, 2019 that the System has *E. coli* contamination, as described in the Order.

Pursuant to the 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. The Order and its requirements are necessary to ensure adequate protection of public health.

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 you to, among other things, take the following actions: issue a boil water advisory and provide an alternate source of water until notified by the EPA to discontinue; submit a plan and schedule for corrective actions; disinfect and flush the System; and take additional total coliform bacteria samples.

The penalties for failing to comply are set forth in the Order. If you have any questions or wish to discuss the Order, please contact Nathan Hicks at (800) 227-8917 extension 6546 or 303-312-6546, or by email at hicks.nathaniel@epa.gov. Any questions from counsel should be directed to Abigail Dean, Senior Assistant Regional Counsel, (800) 227-8917, extension 6106, or at (303) 312-6106, or by email at dean.abigail@epa.gov.

Thank you for your attention to this matter.

Sincerely,



Tiffany Cantor, Chief
Safe Drinking Water Act Enforcement Section
Enforcement and Compliance Assurance Division

Enclosures

cc: Missy Haniewicz, EPA Regional Hearing Clerk
WY DEQ/DOH (Haniewicz.Melissa@epa.gov)
Teton County Commissioners (mnewcomb@tetonwyo.org)
Sara Budge, Environmental Health Supervisor (Sara.budge@wyo.gov)
Dr. Travis Riddell, Health Officer (travis.Riddell@gmail.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2019 AUG -2 PM 4:28

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Ms. Laura Ladd,)
Mr. Dylan King,)
GT Halpin Family Holdings LLC,)
(LCRH20, LLC Public Water System))
WY5600500 NC)
Respondent.)

Docket No. SDWA-08-2019-0036

**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. Dylan King, Laura Ladd, and GT Halpin Family Holdings LLC (Respondents) own and/or operate the LCRH20, LLC, Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
4. Respondents are “persons” as that term is defined in the Act. 42 U.S.C. § 300f(12).
5. The System is supplied by a groundwater source accessed via three wells with disinfection provided. The System is operated from June 1 through September 30.
6. The System has 40 service connections and regularly serves approximately 105 individuals daily for at least 60 days out of the year.
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 (NPDWRs) at 40 C.F.R. part 141.

8. Prior to issuing this Order, the EPA consulted with the operator and or owner of the System to confirm the facts stated in this Order and with 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 that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraphs 11 and 12, below. The EPA has determined that this Order is necessary to protect public health.

10. *E. coli* are bacteria whose presence indicates that the water may have been contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

11. On August 1, 2019, the EPA was notified that a routine bacteriological sample collected from the System on July 29, 2019, was analyzed as positive for total coliform. On August 1, 2019, the EPA was notified that two repeat bacteriological samples (see 40 C.F.R. § 141.858), collected on July 31, 2019, tested positive for total coliform and *E. coli*.

12. In addition, a violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has any combination of a total coliform positive and *E. coli* positive routine and repeat samples. These circumstances have occurred at the System, as set forth in paragraph 11, above, and, therefore, Respondents have violated the *E. coli* MCL. 40 C.F.R. § 141.860.

13. On August 1, 2019, the EPA provided Respondents with a public notice template for a boil water advisory and Respondents notified persons served by the System of the contamination on August 1, 2019.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondents 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.

BOIL ORDER AND PUBLIC NOTICE

15. The boil water advisory referenced in paragraph 13, above, shall remain in place until the EPA provides written notification to Respondents that the boil water advisory is no longer needed.

16. Respondents must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.

ALTERNATE WATER SUPPLY

17. Using the public notice referenced in paragraph 13, above, Respondents shall, no later than 24 hours after receipt of this Order, notify the public that an alternative potable water supply is available at no cost to all users of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing. Respondents 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 System. The alternate water supply shall be made available until Respondents receive written notification from the EPA that it is no longer necessary to supply it.

18. No later than five days after the effective date of this Order (see paragraph 36, below), Respondents shall provide the EPA with a copy of its notification concerning an alternate water supply is available.

CORRECTIVE MEASURES

19. Within 15 days after the effective date of this Order, Respondents shall provide the EPA with a plan and schedule that outlines corrective actions taken and/or to identify the cause of, and address, the contamination referenced in paragraph 11, if possible, and include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final completion date (to be within three months 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.

20. The schedule required by paragraph 19 above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. If implementation of the plan fails to correct and/or prevent *E. coli* contamination, the EPA may order further steps.

21. Respondents shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after the effective date of this order, Respondents shall disinfect and flush the System.

23. Following disinfecting and flushing of the System, beginning on the first date when chlorine levels return to normal, Respondents shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's distribution system until notified by the EPA that consecutive daily sampling may be discontinued.

Respondents shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory. These samples must be marked "special."

24. After Respondents receive written notification from the EPA that they may discontinue daily total coliform sampling, Respondents shall collect weekly "special" total coliform samples (one sample per week) to determine compliance with the *E. coli* MCL as stated in 40 C.F.R. § 141.860.

25. After Respondents receive written notification from the EPA that it may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.854.

26. Respondents shall remain obligated to comply with the requirements in 40 C.F.R. §§ 141.402 (to collect an additional source water sample) and 141.858 (to collect three repeat samples within 24 hours of being notified of a total coliform routine positive sample result). If a future repeat sample is positive for total coliform, Respondents shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

27. Respondents shall collect all routine total coliform samples at sites that are representative of water throughout the System according to the revised Sample Siting Plan to be submitted to the EPA by Respondents. Additionally, Respondents 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.

28. The EPA may require Respondents to increase total coliform sampling at any time while this Order is in effect.


REPORTING

29. Respondents must give daily updates to the EPA on the progress of scheduling a Level 2 assessment (see 40 C.F.R. §§ 141.2 and 141.851-141.861) by an EPA-approved third party, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Updates must be submitted to the EPA daily until the EPA provides written notification to the Respondents that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.

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

Nathan Hicks
via e-mail: hicks.nathaniel@epa.gov
Telephone (800) 227-8917, ext. 6546, or (303) 312-6546

31. This Order does not relieve Respondents from the obligation to comply with any applicable federal, tribal or local law.
32. Failure to comply with this Order may result in civil penalties of up to \$23,963 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).
33. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. 300j-7(a).
34. The EPA may modify this Order. The EPA will communicate any modification(s) to Respondents in writing and they shall be incorporated into this Order.
35. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from the EPA that Respondents have demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.
36. Issued and effective this 2nd day of August, 2019.



Tiffany Cantor, Chief
Safe Drinking Water Act Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202