



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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JUN 13 2018

2018 JUN 13 PM 3:19

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EPA REGION VIII
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Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

The Honorable Eric Larsen, Mayor
Town of Cokeville
P.O. Box 99
Cokeville, Wyoming 83114

Re: Emergency Administrative Order under SDWA Section 1431 Town of Cokeville
Public Water System, PWS ID #WY5600015, Docket No. **SDWA-08-2018-0017**

Dear Mayor Larsen:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency to the Town of Cokeville, under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Town of Cokeville Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on notifications that following an initial total coliform positive sample result, one subsequent distribution sample was positive for total coliform and *E. coli*.

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.

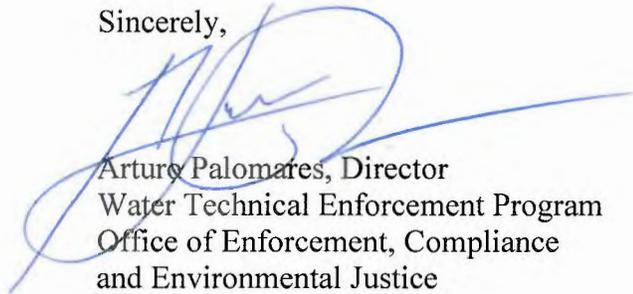
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the Town of Cokeville to take the following actions: provide an alternate source of water; issue a boil water advisory and public notice until notified by the EPA to discontinue; submit a plan and schedule for any corrective actions identified to prevent future bacteriological contamination of the System; and disinfect and flush the System.

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 Olive Hofstader at (800) 227-8917 extension 6467 or

303-312-6467, or by email at hofstader.olive@epa.gov. Any questions from counsel for the Town of Cokeville should be directed to Laurianne Jackson, Enforcement Attorney, at (800) 227-8917, extension 6950, or at (303) 312-6950, or by email at jackson.laurianne@epa.gov.

Thank you for your attention to this matter.

Sincerely,



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

Enclosure

cc: Mr. Brandon Vierig, Operator (via email)
WY DEQ/DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 JUN 13 PM 3:19

IN THE MATTER OF)
)
Town of Cokeville)
WY5600015)
)
Respondent.)

Docket No. ~~SDWA-08-2018-6017~~

FILED
EPA REGION VIII
HEARING CLERK

**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 officials have 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 Town of Cokeville (Respondent) is a municipality that owns and/or operates the Town of Cokeville Public Water System (System), which provides piped water to the public in Lincoln 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 is supplied by a groundwater source accessed through 2 wells with disinfection treatment provided.
6. The System has 184 service connections and regularly serves 535 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 (NPDWRs) 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 confirm that because they are unable to act to protect the health of persons in this instance, they have not done so.
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 10 and 11, 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 June 6, 2018, the EPA was notified that a routine bacteriological sample collected from the System on June 4, 2018, was analyzed as positive for total coliform. On June 12, 2018, the EPA was notified that one repeat bacteriological sample (see 40 C.F.R. § 141.858) collected on June 11, 2018, 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 an *E. coli*-positive repeat sample following a routine total coliform positive sample. These circumstances have occurred at the System, as set forth in paragraph 11, above. Therefore, Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

13. On June 12, 2018, the EPA provided Respondent with a public notice template for a boil water advisory, and Respondent notified persons served by the System of the contamination on June 13, 2018.

ORDER

INTENT TO COMPLY

14. 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.

BOIL ORDER AND PUBLIC NOTICE

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

16. Respondent 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, Respondent 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. 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 System.

CORRECTIVE MEASURES

18. Within 15 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 future *E. coli* contamination at the System. The plan shall identify the cause of the contamination referenced in paragraph 11, if possible, and describe the corrective action to prevent a recurrence of 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. 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.

19. The schedule required by paragraph 18 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.

20. Within five days of completing corrective action, Respondent shall notify the EPA in writing of the date corrective action was completed.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

21. Within 24 hours after completing corrective action, Respondent shall disinfect and flush the System.

22. Within 24 hours after disinfecting and flushing the System as required by paragraph 21, above, Respondent shall collect consecutive daily (one sample per day) samples from the System and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondent shall ensure that each sample is analyzed for total coliform and *E. coli*.

23. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondent shall ensure that each sample is analyzed for total coliform and *E. coli*.

24. After Respondent receives written notification from the EPA that it may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.855.

25. Respondent 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-positive sample result). If a future repeat sample is positive for total coliform and/or *E. coli*, Respondent shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

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

REPORTING

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

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

Olive Hofstader
via e-mail: hofstader.olive@epa.gov
Telephone (800) 227-8917, ext. 6467, or (303) 312-6467

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

30. Failure to comply with this Order may result in civil penalties of up to \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).

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31. 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).

32. Issued and effective this 13th day of June, 2018.



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



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice