



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

August 7, 2020

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

August 10, 2020

9:53 AM

Received by

EPA Region VIII

Hearing Clerk

Mr. Francois Corrand
Goosewing Ranch LLC
P.O. Box 4084
24400 Cottonwood Road
Jackson, Wyoming 83001
info@goosewingranch.com

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act (SDWA), Goosewing Ranch LLC Public Water System, PWS ID# WY5601510, Docket # SDWA-08-2020-0038

Dear Mr. Corrand:

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

The EPA has determined that conditions exist at the Goosewing Ranch LLC Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA made this determination based on a notification from Teton County Health Department, Water Laboratory on August 7, 2020, 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, among other things, to 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; after receiving written notification from the EPA, 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 your counsel should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at 6554 or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

Thank you for your attention to this matter.

Sincerely,

**COLLEEN
RATHBONE**

 Digitally signed by COLLEEN
RATHBONE
Date: 2020.08.07 17:46:04
-06'00'

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

Enclosures

cc:

Amy and Randy Worster, General Managers (info@goosewingranch.com)
WY DEQ/DOH (via email)
Teton County Commissioners (mnewcomb@tetonwyo.org)
Missy Haniewicz, EPA Regional Hearing Clerk

August 10, 2020

9:53 AM

Received by

EPA Region VIII

Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)

Mr. Francois Corrand, Owner,)

Respondent)

Goosewing Ranch LLC Public Water System)
WY5601510 NC)

Docket No. SDWA-08-2020-0038

**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. Francois Corrand (Respondent) is a person that owns and/or operates the Goosewing Ranch LLC Public Water System (System), which provides piped water to the public of Teton 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 via spring water that is collected in a 2,000 gallon below-ground fiberglass collection box, and no treatment is provided. The System is operated seasonally from June to September.
6. The System has 11 service connections and regularly serves 56 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 at 40 C.F.R. part 141 (Part 141).

8. Prior to issuing this Order, the EPA consulted with 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 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 health 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 5, 2020, the EPA was notified that a routine total coliform sample collected from the System on August 4, 2020, was analyzed as positive for total coliform and *E. coli*. On August 7, 2020, the EPA was notified that 3 repeat total coliform samples (see 40 C.F.R. § 141.858), as well as a triggered source sample (see 40 C.F.R. § 141.402), all of which were collected on August 6, 2020, tested positive for total coliform and negative for *E. coli*.

12. In addition, a violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has any combination of 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, Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

13. On August 7, 2020, 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 August 7, 2020.

ORDER

INTENT TO COMPLY

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

BOIL WATER ADVISORY AND PUBLIC NOTICE

15. The boil water advisory referenced in paragraph 13, above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory 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 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. The alternate water supply shall be made available until the Respondent receives written notification from the EPA that it is no longer necessary to supply alternative potable water.

18. No later than five days after the effective date of this Order (see paragraph 17, above), Respondent shall provide the EPA with a copy of their notification to the public indicating that an alternate water supply is available.

CORRECTIVE MEASURES

19. Within 15 days after the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines corrective actions taken and/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 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 plan and schedule must be approved by the EPA before construction or modifications may commence.

20. The approved plan and 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. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after receiving written notification from the EPA, Respondent shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.

23. Following disinfecting and flushing of the System, beginning on the first date when no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per day) “special” purpose (defined in 40 C.F.R. § 141.853(b)) total coliform samples, identified in a following sentence herein, from the System’s distribution system until notified in writing by the EPA that consecutive daily sampling may be discontinued. These daily samples should be labeled as “special” samples, not for use for compliance. 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 and provide these measurements along with the total coliform analysis from the laboratory.

24. After Respondent receives written notification from the EPA that they may discontinue consecutive daily “special” total coliform sampling, Respondent shall collect weekly “special” total coliform samples (one sample per week).

25. After Respondent receives written notification from the EPA that it may discontinue weekly “special” total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.854 to determine compliance.

26. Prior to re-opening the system next season, Respondent shall complete start-up procedures. 40 C.F.R. § 141.854(i)(1). Respondent shall complete a Seasonal System Checklist (available at https://www.epa.gov/sites/production/files/2014-12/documents/rtrc_seasonal_startup_checklist.pdf), take a pre-season startup total coliform sample (marked as “special” for analysis), and submit the signed checklist and pre-season total coliform analyses to the EPA prior to reopening the System to the public.

27. Respondent shall collect all routine total 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.

28. 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 routine total coliform-positive sample result). If a future repeat sample is positive for total coliform, Respondent shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

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

REPORTING

30. Respondent must give daily updates to the EPA on the progress of 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 Respondent that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.

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

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

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

33. 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).

34. 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.

35. 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.

37. Issued and effective this 7th day of August, 2020.

COLLEEN
RATHBONE

Digitally signed by COLLEEN RATHBONE
Date: 2020.08.07 17:30:33 -06'00'

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

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

<https://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu>

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

<https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman> or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

<https://www.epa.gov/compliance>

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

<https://www.complianceassistance.net>

EPA-sponsored Compliance Assistance Centers provide the information you need, in a way that helps make sense of environmental regulations. Each Center addresses real world issues faced by a specific industry or government sector. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

<https://www.epa.gov/agriculture>

Automotive Recycling

<http://www.ecarcenter.org>

Automotive Service and Repair

<https://ccar-greenlink.org/> or 1-888-GRN-LINK

Combustion—Boilers, Generators, Incinerators, Wood Heaters

<https://www.combustionportal.org/>

Construction

<http://www.cicacenter.org>

Education

<https://www.nacubo.org/>

Healthcare

<http://www.hercenter.org>

Local Government

<https://www.lgean.net/>

Oil/ Natural Gas Energy Extraction

<https://www.eciee.org/>

Paints and Coatings

<https://www.paintcenter.org/>

Ports

<https://www.portcompliance.org/>

Surface Finishing

<http://www.sterc.org/>

Transportation

<https://www.tercenter.org/>

U.S. Border Compliance and Import/Export Issues

<https://www.bordercenter.org/>

Veterinary Care

<https://www.vetca.org/>

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific information on regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

<https://www.epa.gov/tribal>

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has several such policies that may apply to small businesses. More information is available at:

- **EPA's Small Business Compliance Policy**
- <https://www.epa.gov/compliance/small-business-compliance>
- **EPA's Audit Policy**
- www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a Small Business Administration (SBA) National Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the SBA's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, you can call the SBA National Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or submit a comment online at <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.