



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

APR - 4 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Amanda Eckdahl and Dale Eckdahl  
Mountain High Resorts, Inc.  
WyColo Lodge  
4039 Hwy 230  
Laramie, WY 82070

RE: Emergency Administrative  
Order issued under Section 1431 SDWA to  
WyColo Lodge  
PWS ID #: 5601558  
Docket No. **SDWA-08-2007-0044**

Dear Mr. and Ms. Eckdahl:

Enclosed is an Emergency Administrative Order issued under Section 1431 of the Safe Drinking Water Act (SDWA), 40 U.S.C. § 300i to each of you as individuals and to the Mountain High Resorts, Inc., as owners/operators of the WyColo Lodge Public Water System (the "System"). The Order is based on the bacteriological samples taken February 9<sup>th</sup> and March 26<sup>th</sup> 2007, which were positive for acute fecal or E. coli coliform and therefore may pose an imminent and substantial endangerment to the health of persons served by this water system.

The enclosed Order sets forth the actions you must immediately take. Penalties for failing to comply are set forth in the Order. Among other things, the Order requires the immediate issuance of a boil water notice and temporary increased bacteriological monitoring. A public notice template, small business relief fact sheet, and funding pamphlet are also enclosed.

EPA is committed to working with you to ensure the safety of the System's water supply and appreciates your cooperation in this matter. If you have any questions regarding this Order, the most knowledgeable individuals on my staff regarding these requirements are Jeff McPherson who can be reached at (303) 312-6362 and Lisa Kahn at (303) 312-6896. If you are represented by an attorney feel free to ask your attorney to call Peggy Livingston, Enforcement Attorney, at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order  
Public Notice Template  
SBREFA Fact Sheet  
Funding Pamphlet

cc: WDEQ (via email)  
WDH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 APR -4 PM 2:32

IN THE MATTER OF )

Dale Eckdahl and Amanda Eckdahl )  
Mountain High Resorts Inc. )  
WyColo Lodge PWS )  
PWS ID#: WY5601558 )  
4039 Hwy 230 )  
Laramie, Wyoming 82070 )

Respondents )

Proceedings under section 1431 )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

FILED  
EPA REGION VIII  
HEARING CLERK

EMERGENCY  
ADMINISTRATIVE  
ORDER

Docket No. **SDWA-08-2007-0044**

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.

FINDINGS

1. Mountain High Resorts, Inc. ("Respondent") is a corporation under the laws of the State of Wyoming as of June 15, 2006, 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. Amanda Eckdahl ("Respondent") is an individual 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.
3. Dale Eckdahl ("Respondent") is an individual 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.
4. Respondents own and/or operate the WyColo Lodge Water System (the "System"), located in Albany County, Wyoming for the provision to the public of piped water for human consumption.
5. The System regularly serves an average of at least 25 individuals daily at least 60 days out of the year 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 "non-community water system" within the meaning of 40 C.F.R. § 141.2.
6. Respondents own and/or operate a public water system and are 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. Respondents are therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141.

7. According to a March 5, 2007, sanitary survey conducted by John Gillis, EPA Drinking Water Unit, the System that is supplied by one well (2 additional wells exist on or near the property, but are not linked to the distribution system and are for private use). The System serves approximately 25 persons per day year round through 4 service connections.
8. During February 6, 7, and 8, 2007, multiple individuals who had recently consumed the System's water reported illnesses to the City of Laramie and Albany County.
9. A water sample collected from the System by the City of Laramie's Consumer Health Specialist (CHS) on February 9, 2007 and tested on February 10, 2007, tested positive for total coliform and fecal coliform.
10. On February 12, 2007, Wyoming Department of Health Infectious Disease Epidemiology Program (IDEP), Wyoming Department of Environmental Quality (DEQ), CHS, and EPA conducted an environmental health investigation on WyColo Lodge based on multiple reports of public illness and fecal coliform positive results.
11. EPA has determined that a contaminant in the System

presented and may continue to present an imminent and substantial endangerment to the health of persons based on the following factors: (1) one fecal coliform positive sample taken on February 9, 2007 and two *E. coli* positive samples collected on March 26, 2007, which exceeded the acute maximum contaminant level ("MCL") for total coliform bacteria, in violation of 40 C.F.R. § 141.63; (2) multiple reports of illness from individuals who consumed the System's water (symptoms include diarrhea, nausea, and vomiting) on February 6, 7, and 8, 2007; and (3) findings in a report by the Wyoming Department of Health entitled "Outbreak of gastroenteritis among patrons of the WyColo Lodge" dated January - February 2007, and the March 5, 2007 sanitary survey conducted by EPA.

12. Fecal coliform and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal waste. Microbes in this waste can cause diarrhea, cramps, nausea, headaches, or other symptoms. These bacteria can pose a special health risk to infants, young children, and people with severely compromised immune systems.
13. Notwithstanding the initial efforts by the State of Wyoming, including issuance of a boil order by the Wyoming Department of Health on February 10, 2007, the State of Wyoming cannot

act further to protect public health because it does not have primacy enforcement authority under the public water supply provisions of the Act.

14. 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

Based on the forgoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

**A. INTENT TO COMPLY**

1. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order.
2. The Respondents' notification shall include a general plan for compliance with each of the elements of this Order.

**B. ALTERNATIVE WATER SUPPLY**

1. Upon the effective date of this Order, Respondents shall notify all water users of the System that an alternative potable water supply or water that has been boiled for three minutes is available. The alternative water supply shall be from a water distributor licensed by the State of Wyoming Department of Agriculture, Consumer Health Services Program, and shall be made available to the consumers of the System at no cost as needed for drinking water and food preparation.

until Respondents receive notification from EPA that alternative water is not longer necessary. Respondents shall provide the alternative potable water supply at a central location that is accessible to all persons serviced by the System.

2. Respondents shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily, for each costumer of the public water system.
3. Within 24 hours of receipt of this Order, Respondents shall submit certification to EPA of compliance with the paragraphs above.

**C. BOIL ORDER AND PUBLIC NOTICE**

1. Respondents shall immediately issue a boil order for any water received through the distribution system and fully comply with the boil order until the boil water order is terminated by the EPA.
2. Respondents shall provide public notice in the affected area as set forth in this Order. No later than 24 hours after the date of this Emergency Administrative Order, Respondents 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 System and hand delivered to persons served by the System. Respondents shall submit a copy of the

public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following violation of any National Primary Drinking Water Regulations (NPDWRs) described in that section. 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 should be used (see section b below);
  - (6) What actions consumers should take, including

when they should seek medical help (see section b. below);

- (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 an individual available to provide the System's customers additional information concerning the notice; and
- (10) A statement to encourage the notice 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:

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this is a warning of potential problems.

Fecal coliform and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They 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.

3. Respondents shall continue the public notice as set forth above until EPA Region 8 provides written notification to discontinue public notice.
4. Upon the effective date of this Order, Respondents shall notify all water users of the System that an alternative potable water supply is available. The alternative water supply must be made available at no cost as needed for drinking and cooking until Respondents receives written notification from EPA that alternative water is no longer necessary. Respondents shall provide the alternative water at a central location that is accessible to all persons served by the System. Respondents shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the System.
5. Respondents must carry out the public notice and other notice requirements that EPA directs in case of any future fecal acute MCL violation or any similar emergency situation.

**D. COMPLIANCE MEASURES**

1. Within 10 days of this Order, Respondents shall investigate and identify the cause of *E. coli* and fecal coliform positive contamination in the System, apply for a permit from DEQ to install continuous disinfection, install continuous disinfection, and have a cross connection survey completed by a qualified cross connection surveyor and any cross connections or potential cross connections be remedied.
2. Within 30 days of this Order, Respondents shall submit a detailed plan to EPA for bringing the System into compliance with the total coliform MCL as set forth in 40 C.F.R. § 141.63. Respondents' plan shall include and address, at a minimum, the following items:
  - a. Describe efforts the Respondents will take to prevent recurrence of total coliform, fecal coliform, and *E coli* positive contamination in the system and how Respondents will respond to this type of contamination in the future;
  - b. Proposed system modifications, including, but not limited to, addressing the Deficiencies / Recommendations identified in EPA's sanitary survey, in any letter from EPA issued within 5 days of this Order relating to any Ground Water Under the Influence of Surface Water Assessment, and Appendix A of the Wyoming Department of Health report

entitled "Outbreak of gastroenteritis among patrons of WyColo Lodge" dated January-February 2007;

- c. Estimated cost of modifications;
- d. If construction is necessary, a schedule for construction of the project, including applying for any required permits from the Wyoming DEQ, Water Quality Division; and
- e. Specific milestone dates and a final compliance date.

The plan set forth above, including the schedule for construction and completion of modifications, will be incorporated into this Order upon written approval by EPA.

2. Within 30 days of after EPA approves the Respondents' plan, Respondents shall submit to EPA monthly reports on the progress toward completion of the selected remedy. Progress reports shall be submitted to EPA contact indicated below each month and be postmarked not later than the 15<sup>th</sup> of each month.
3. Respondents shall complete improvements to the System as set forth above no later than 60 days after EPA approves the plan referenced above. Respondents shall notify EPA when modifications have been completed. If necessary, Respondents may submit a written request for additional time to implement significant improvements to the System. If EPA approves such

request in writing, the revised time frame for compliance will be incorporated into this Order.

**E. MICROSCOPIC PARTICULATE ANALYSIS ("MPA")**

1. Respondents shall perform MPAs as directed in writing by EPA.
2. Respondents must collect at least two raw water samples from the well to verify that surface water bio-indicators are not present in the well water. These two samples shall be collected in the wet season when the well is most susceptible to surface water influence (such as after a heavy rain or snow fall). If these results are inconclusive, a third sample during the dry season may be needed. MPA testing results must be submitted to EPA for review within 15 days of receipt from the laboratory.
3. MPA testing must be completed by September 2007.
4. If EPA determines, on the basis of any MPA or otherwise that the System's groundwater source is under the direct influence of surface water, the Respondents must 1) abandon the well permanently as a source of drinking water by physically removing a section of pipe connecting the source to the system; 2) perform remediation to remove the surface water influence; 3) provide filtration and disinfection; or 4) meet the filtration avoidance criteria as required by 40 C.F.R. Part 141, subpart H.

**F. MONITORING REQUIREMENTS**

1. Once all compliance measures are met in Section D of this Order, Respondents shall collect consecutive daily (one sample per day) special purpose total coliform samples of the System's water to determine compliance with the MCL as set forth in 40 C.F.R. § 141.63. Respondents shall continue daily total coliform monitoring until receiving written notice from EPA to discontinue daily sampling. For daily or weekly sampling under this paragraph or the following paragraph, Respondents shall take one sample in the distribution system. Respondents shall report daily total coliform sampling results to EPA by telephone, email, or fax immediately upon receiving the laboratory results.
2. After Respondents collect four consecutive daily total coliform samples from the System that are negative and receive written notification from EPA to discontinue daily total coliform sampling, Respondents shall conduct weekly bacteriological sampling to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondents shall report weekly total coliform sampling results to EPA by telephone, email, or fax immediately upon receiving the laboratory results.
3. Respondents shall continue weekly bacteriological monitoring from the System until Respondents (a) collect two consecutive weekly total coliform samples which are total coliform

negative and (b) receive notification from EPA to discontinue weekly bacteriological sampling. Respondents shall perform monthly total coliform sampling until EPA informs the System to resume quarterly 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.

Respondents shall report monthly of quarterly 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).

4. Respondents shall collect all total coliform sampling at sites which are representative of water throughout the System's distribution system.
5. If any one of the sample results are total coliform-positive, Respondents shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b), which requires public water systems that collect one or fewer monthly routine total coliform samples to collect a minimum of four repeat samples within 24 hours of being notified of a total coliform-positive sample.  
Furthermore, Respondents shall comply with the requirements of 40 C.F.R. § 141.21(b)(5), which requires public water systems that collect five or fewer routine total coliform samples to collect a total of 5 routine total coliform samples the month following a total coliform-positive sample result.

**G. REPORTING REQUIREMENTS**

Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Jeff McPherson  
US Environmental Protection Agency  
1595 Wynkoop Street (8ENF-W)  
Denver, Colorado 80202-1129  
Telephone (800) 227-8917 X 6362 or (303) 312-6362  
Fax: (303) 312-7518 Email: McPherson.Jeffrey@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. Violation of any term of this Order may subject the Respondents 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).
2. Violation of any "applicable requirement" (as defined in section 1414(g) of the Act), may subject Respondents 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).

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

Issued this 4<sup>th</sup> day of April, 2007.

*for* Marian Westra  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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