



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2017 JUN 29 PM 3:55

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EPA REGION VIII  
HEARING CLERK

JUN 29 2017

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Clint Wagon, Chairman  
Eastern Shoshone Tribe  
P.O. Box 538  
Fort Washakie, Wyoming 82514

Mr. Erin Martin, Director  
Shoshone Utility Organization  
P.O. Box 338  
Fort Washakie, Wyoming 82514

RE: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Fort Washakie Public Water System, PWS ID #085960003, Docket No. **SDWA-08-2017-0022**

Dear Chairman Wagon and Mr. Martin:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Shoshone Utility Organization under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Fort Washakie 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 notification from the Shoshone Utility Organization that divers found multiple bird carcasses on the bottom of the Old Fort Washakie Storage Tank (ST02) (Tank) while cleaning and inspecting the Tank.

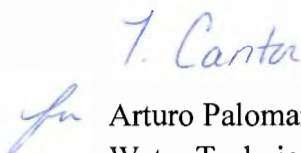
Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health.

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 Shoshone Utility Organization to take the following actions: isolate the Old Fort Washakie Storage Tank (ST02) from the distribution system; super-chlorinate and flush the distribution system; issue a public notice; and submit a plan and schedule to the EPA for having the Tank repaired, cleaned and inspected. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Jill Minter at (800) 227-8917 extension 6084 or 303-312-6084, or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov). Any questions from counsel for the Eastern Shoshone Tribe or Shoshone Utility Organization should be directed to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906, or by email at [swanson.amy@epa.gov](mailto:swanson.amy@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

Enclosures

Emergency Administrative Order  
Public Notice Template

cc: Mr. Vernon Hill  
Ms. Karen LaCroix  
Mr. Robert Harris Jr.  
Ms. Jodie McAdams  
Mr. Leslie Shakespeare  
Eastern Shoshone Tribe Business Council

Mr. Jim White,  
Mr. Quentin Allen  
Indian Health Service

Ms. Missy Haniewicz, EPA Regional Hearing Clerk  
EPA Region 8

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REGION 8

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IN THE MATTER OF )  
 )  
Shoshone Utility Organization, )  
 )  
Fort Washakie Public Water System )  
PWS ID # 085690003, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. SDWA-08-2017-0022

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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 (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 \$22,906 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 82 Fed. Reg. 3633.
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 appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Wind River Reservation. No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. Respondent Shoshone Utility Organization is an organization authorized under the laws of the Eastern Shoshone Tribe, a federally recognized Indian Tribe and an "Indian Tribe" as defined in 42 U.S.C. § 300f(14), Respondent is a "municipality" and "person" as those terms are defined in the Act. 42 U.S.C. § 300f(10) and § 300f(12), respectively.
6. Respondent operates the Fort Washakie Public Water System (System) located in the Town of Fort Washakie on the Wind River Reservation, Wyoming, on behalf of the Eastern Shoshone Tribe. The System provides water to the public for human consumption through pipes or other constructed conveyances.
7. The System is supplied by a surface water source, the South Fork of the Wind River, which is treated in an ultrafiltration plant and disinfected with sodium hypochlorite. There is also a supplemental ground water source, accessed via one deep aquifer well, which is disinfected and blended with the treated surface water.

8. 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 (NPDWR) at 40 C.F.R. part 141.

9. The System has approximately 1034 service connections, 900 of which are used by year-round residents and/or regularly serves an average of approximately 3000 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

10. Prior to issuing this Order, the EPA consulted with the System, the Shoshone Utility Organization and the Eastern Shoshone Tribal Government to confirm the facts stated in this Order. The EPA has determined that this Order is necessary to protect public health.

11. The EPA has determined that conditions exist at the System, specifically at the Old Fort Washakie Storage Tank (ST02), that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraph 12, below.

12. Cleaning and inspection of two storage tanks, the North Fork Storage Tank (ST01) and the Old Fort Washakie Storage Tank (ST02) (Tank), were required as corrective measures in the Sanitary Survey Report of the Fort Washakie Water System, dated March 31, 2016. During contracted cleaning and inspection of Fort Washakie System storage tanks on June 27, 2017, divers found multiple bird carcasses on the bottom of the Tank. Observations from inside this Tank also identified a gap between the Tank walls and ceiling where birds could enter. This gap was not visible from outside the Tank. The Public Works Director was onsite during the cleaning and inspection and immediately isolated the Tank from the distribution system and called the EPA.

### **ORDER**

#### **INTENT TO COMPLY**

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

#### **PUBLIC NOTICE**

14. Respondent shall notify the public, as soon as possible but no later than 30 days of receipt of this Order, of the situation described in this Order and corrective actions being taken, by distributing a public notice. A template for the public notice is included with this Order. Respondent must carry out the public notice and other notice requirements as required by

40 C.F.R. part 141, subpart Q, including submitting a copy of the public notice along with certification to the EPA within 10 days of its distribution.

### **DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS**

15. Within 48 hours of receipt of this Order, Respondent shall super-chlorinate the distribution system to 4 mg/L free chlorine residual at the entry points to each distribution system. Following super-chlorination, Respondent shall flush the System.

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

### **COMPLIANCE AND CORRECTIVE MEASURES**

17. Within 30 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule for having the Tank repaired, cleaned and inspected by a third-party company with expertise in the field. The proposed schedule shall include specific milestone dates and a final deadline for taking action to ensure avian-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 Tank shall not be brought back online until approval by EPA.

18. The plan and schedule required by paragraph 17, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

### **REPORTING**

19. Respondent must give weekly updates to the EPA on the progress of disinfecting and flushing the System and thereafter, monthly updates on the progress of disinfecting, repairing and reconnecting the Tank. Updates must be submitted to the EPA until the EPA provides written notification to the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

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


Jill Minter, 8ENF-W-SDW  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone (800)227-8917, ext. 6084, or (303) 312-6084  
Fax (303) 312-7518  
e-mail: minter.jill@epa.gov


Emergency Administrative Order  
Shoshone Utility Organization – Fort Washakie Water System  
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21. This Order does not relieve Respondent from complying with any applicable federal, tribal, state, or local law.

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

23. Issued and effective this 29 day of June, 2017.

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

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

# Instructions for a Tier 2 Public Notice for an Uncorrected Significant Deficiency

## Template on Reverse

You must provide public notice to persons served as soon as practical but within 30 days. You must issue a repeat notice every three months for as long as the problem persists. Your primacy agency may have more stringent requirements. Check with your agency to make sure you meet all requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

In addition, community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### **Mandatory Language**

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Listed below are some suggested steps you may want to include in your public notice. Depending on the corrective actions you are taking, you can use one or more of the statements provided in this template, if appropriate, or develop your own text:

### **Repeat Notices**

For repeat notices, you should state how long the significant deficiency has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

### **After Issuing the Notice**

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].



# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## A Problem was Discovered when Correcting a Significant Deficiency with the Old Fort Washakie Storage Tank

Our Sanitary Survey Report dated March 31, 2016, identified the need to clean and inspect two storage tanks that are part of our water system. As required by Environmental Protection Agency's (EPA) Ground Water Rule, we took action to address this significant deficiency. We contracted cleaning and inspection of all of the water system storage tanks on June 27, 2017. While cleaning the Old Fort Washakie Storage Tank (ST02), divers found multiple birds on the bottom of the tank. Observations from inside this tank identified a gap between the tank walls and ceiling where birds could enter. This gap was not visible from outside the tank. The Public Works Director was onsite during the cleaning and inspection and immediately isolated the Old Fort Washakie Storage Tank from the distribution system and called the EPA.

As our customers, you have a right to know what was discovered during cleaning of the Old Fort Washakie Storage Tank, what we did and what we are doing to correct this situation.

### What does this mean?

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\**

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

### What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

### What is being done?

- We have completely isolated the Old Fort Washakie Storage Tank from the distribution system until it is repaired, cleaned and passes inspection.
- We have super-chlorinated and flushed the distribution system to kill and remove any bacteria.
- We are operating our water system with remaining storage tanks until the Old Fort Washakie Storage Tank is repaired, cleaned and passes inspection.
- We are working with federal agencies to obtain additional funding to repair, clean and inspect the Old Fort Washakie Storage Tank.
- We are in consultation with the EPA to develop a formal plan and schedule to address the problem.
- We have not detected any evidence of contamination in, or other health threats to, our treated water. All required bacteriological samples for the past two years have been taken by the Fort Washakie Public Water System and all sample results were found safe.

For more information, please contact Mr. Erin Martin, Public Works Director, at 307-330-6144 or P.O. Box 338, Fort Washakie, WY 82514.

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by the Fort Washakie Public Water System. PWS ID # 085960003.

Date distributed: \_\_\_\_\_.