

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

Sep 10, 2024

11:55 am

**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF)	
)	Docket No. SDWA-08-2024-0043
Keith Hilton and Helen Hilton,)	
)	EMERGENCY
Respondents.)	ADMINISTRATIVE ORDER
)	
Park Café and Grocery)	
Public Water System)	
PWS ID# 083090095)	

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 or an underground source of drinking water 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. Helen Hilton and Keith Hilton (Respondents) are individuals who respectively own, and own and operate, the Park Café and Grocery Public Water System (System) located within the exterior boundaries of the Blackfeet Indian Reservation of Montana. The System provides water to the public for human consumption through pipes or other constructed conveyances.
4. The System is supplied by a groundwater source accessed via one well (WL02). The water is untreated.
5. The System has approximately 10 service connections and regularly serves an average of approximately 400 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same

persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.

6. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order. Appropriate tribal and/or local authorities have not acted to protect health of persons in this instance. In view of the imminence of the endangerment, it has not been practicable for the EPA to consult with such authorities prior to issuing this Order.
7. 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 8 and 9, below, and that this Order is necessary to protect the health of such persons.
8. On September 5, 2024, the EPA was notified that a routine total coliform sample collected from the System on September 4, 2024, was analyzed as positive for total coliform and *E. coli*. On September 9, 2024, the EPA was notified that three repeat total coliform samples collected from the distribution system, as well as a triggered source sample, all of which were collected on September 5, 2024, tested positive for total coliform and negative for *E. coli*.
9. *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.
10. The circumstances described above result in an *E. coli* maximum contaminant level (MCL) violation. 40 C.F.R. § 141.860.
11. On September 6, 2024, the EPA provided Respondents with a public notice template for a boil water advisory, and Respondents have informed the EPA that they notified persons served by the System of the contamination on September 7, 2024.

ORDER

INTENT TO COMPLY

12. Within 24 hours of receipt of this Order, Respondents 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 PUBLIC NOTICE

13. The boil water advisory referenced in paragraph 11, above, shall remain in place until the EPA provides written notification to Respondents that the boil water advisory is no longer needed.
14. 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

15. Using the public notice template referenced in paragraph 11, 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 one gallon 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 Respondents receive written notification from the EPA that it is no longer necessary to supply it.
16. No later than five days after the effective date of this Order (see paragraph 32, below), Respondents shall provide the EPA with a copy of their notification concerning an alternate water supply is available.

CORRECTIVE MEASURES

17. Within 30 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 be taken to prevent future *E. coli* contamination at the System. The plan shall identify the cause of the contamination referenced in paragraph 8, above, 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.

18. The schedule required by paragraph 17, 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.
19. Respondents shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

20. Within 24 hours after providing the notification required by paragraph 19, above, Respondents shall disinfect and flush the System (once EPA allows) unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
21. After disinfecting and flushing the System, Respondents must take the following action beginning on the first date when chlorine levels return to zero: collect consecutive daily (one sample per day) "special" purpose total coliform samples (defined in 40 C.F.R. § 141.853(b)) 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 determining compliance. Respondents 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 (*i.e.*, as soon as practicable, and in no event more than 24 hours after).
22. After Respondents receive written notification from the EPA to discontinue consecutive daily "special" total coliform sampling, Respondents shall collect weekly "special" total coliform samples (one sample per week).
23. After Respondents receive written notification from the EPA to discontinue weekly "special" total coliform sampling, Respondents shall thereafter resume monthly

routine total coliform sampling during seasonal operation of the System as required by 40 C.F.R. §§ 141.854-857 to determine compliance.

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

REPORTING

25. Within 24 hours of receipt of this Order, Respondents must submit daily (Monday through Friday) updates on the progress of corrective actions, disinfecting and flushing the System, and monitoring for total coliform and *E. coli*, to the EPA. The updates must continue 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.
26. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:

Christopher Brown

via e-mail: brown.christopher.t@epa.gov

Telephone (800) 227-8917, ext. 6669, or (303) 312-6669

27. This Order does not relieve Respondents from the obligation to comply with any applicable federal, tribal or local law.
28. Failure to comply with this Order may result in civil penalties of up to \$29,154 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).
29. 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).
30. 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.
31. 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.

32. Issued and effective this 10th day of September, 2024.

Tiffany Cantor, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division