

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF	)	
	)	Docket No. SDWA-08-2022-0018
Northern Arapaho Utilities Department,	)	
	)	
Respondent.	)	<b>EMERGENCY</b>
	)	<b>ADMINISTRATIVE ORDER</b>
Arapahoe Community Water System	)	
PWS ID #085690004	)	

**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. The Northern Arapaho Utilities Department is a tribal agency organized under the laws of the Arapaho Tribe of the Wind River Reservation, (Northern Arapaho Tribe) (Tribe) and therefore is a "person," as that term is defined in the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2, for purposes of federal enforcement under the Act.
4. The Northern Arapaho Utilities Department (Respondent), on behalf of the Tribe as owner, operates the Arapahoe Community Water System Public Water System (System) located within the exterior boundaries of the Arapaho Tribe of the Wind River Reservation, Wyoming. The System provides water to the public for human consumption through pipes or other constructed conveyances.
5. The System is supplied by a groundwater source accessed via four wells. Groundwater from Well #1 (WL01) and Well #2 (WL02) is disinfected with sodium hypochlorite at TP01. Water is pumped from Treatment Plant #1 (TP01) to distribution and the Arapahoe one-million-gallon storage tank (ST04). Treatment Plant #2 (TP02) and Well #4 (WL04) are off-line because the Well #4 pump has been pulled and is not in operation. The System uses the 789 Casino Well (WL03) for emergency backup. Water from the 789 Casino Well is not treated prior to entering

the distribution system and is blended with chlorinated water from Treatment Plant #1 (TP01). The System is operated year-round.

6. The System has 422 service connections and regularly serves 1,800 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 (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 tribal and 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 paragraph 10, below. The EPA has determined that this Order is necessary to protect public health.

10. On July 14, 2022, the EPA was notified that parts of the System’s distribution have been routinely losing water pressure for portions of the day. The Well #1 (WL01) pump has become inoperable, preventing the System from routinely keeping up with water demand. Treatment Plant #1 (TP01) pumps water from Well #1 (WL01) and Well #2 (WL02) into the Storage Tank (ST04) and the distribution system. Because there is only one well pump functioning, Storage Tank (ST04) has routinely drained in the afternoons, leading to outages in the distribution system.

11. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside of a pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential for fecal contamination or other disease-causing organisms to enter a distribution system.

12. On July 14, 2022, 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 July 15, 2022.

## **ORDER**

### **INTENT TO COMPLY**

13. 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**

14. The boil water advisory referenced in paragraph 12, above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.

15. 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**

16. Using the public notice referenced in paragraph 12, 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 it.

17. No later than five days after the effective date of this Order (see paragraph 32, below), Respondent shall provide the EPA with a copy of its notification concerning an available alternate water supply.

### **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 corrective actions taken and/or to be taken to prevent future contamination at the System. The plan shall identify the cause of the contamination referenced in paragraph 10, 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.

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 further contamination, the EPA may order further steps.
20. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

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

21. Within 24 hours after corrective action has been taken to address the cause of the pressure loss required by paragraph 10, above, Respondent shall disinfect and flush the System.
22. Following disinfecting and flushing the System, Respondent shall monitor the chlorine residual in the distribution system on a daily basis. Beginning on the first date when the chlorine residual is in the normal range, Respondents shall collect daily (two samples per day from locations in the distribution system that were affected by the recurring pressure loss) special purpose samples (defined in 40 C.F.R. § 141.853(b)) from the System's distribution system until notified by the EPA that daily sampling may be discontinued. These daily samples should be labeled as "special" samples, not for use for compliance. Respondents shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory. Along with the total coliform sample collection, Respondents shall measure the chlorine residual indicating free or total, and Respondent shall provide these measurements along with the total coliform analysis from the laboratory.
23. After Respondent receives written notification from the EPA that they may discontinue "special" daily total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.855.
24. The EPA may require Respondent to increase total coliform sampling and reporting at any time while this Order is in effect.

### **REPORTING**

25. Respondent must give daily updates to the EPA to include the progress of corrective actions, providing an alternative water source, 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.

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

Steven Latino  
via e-mail: latino.steven@epa.gov  
Telephone (800) 227-8917, ext. 6440, or (303) 312-6440

27. This Order does not relieve Respondent 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 \$26,209 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 87 Fed. Reg. at 1679 (January 12, 2022).

29. 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).

30. 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.

31. The provisions of this Order shall be deemed satisfied upon Respondents' 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.

32. Issued and effective this \_\_15th\_\_ day of \_\_July\_\_\_\_\_, 2022.

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For Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division