



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
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2015 JUN -4 PM 4:34

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

JUN - 4 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Patricia Smith, Mayor
Town of Lusk
Box 390
Lusk, Wyoming 82225
Sent via email June 6, 2015 to office@townoflusk.org

RE: Emergency Administrative Order under Section 1431 SDWA, Town of Lusk Public Water System, PWS ID #WY5600032, Docket No. SDWA-08-2015-0016

Dear Mayor Smith:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Town of Lusk (Town) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Town of Lusk 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 System and the Wyoming Department of Environmental Quality Homeland Security Office that the System has been compromised due to a loss of electricity resulting in a loss of pressure in the distribution system caused by a flash flood on June 6, 2015.

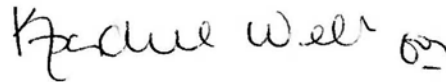
Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System based on the EPA's primary enforcement responsibility under the Act.

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, in part, that the Town: continues to provide an alternate source of water; once pressure is restored to the System issue a Boil Order and public notice until notified by EPA to discontinue; disinfect of the distribution system; and, take additional total coliform bacteria and nitrate samples, among other steps. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917 extension 6481 or 303-312-6491. Any questions from counsel for the Town should be directed to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares", with a small flourish at the end.

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

Enclosures

Emergency Administrative Order
Boil Order Template

cc: John Eddy, Town of Lusk Operator (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 JUN -4 PM 4: 35

IN THE MATTER OF)
)
Town of Lusk, Wyoming)
PWS ID 5600032)
)
Respondent.)
_____)

Docket No. SDWA-08-2015-0016

FILED
EPA REGION VIII
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 (the 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 \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.
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 other state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The Town of Lusk (Respondent) is a Wyoming municipality.
5. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(2).
6. Respondent owns and/ or operates the Town of Lusk Public Water System (System) located in Niobrara County, Wyoming, which provides water to the public for human consumption.
7. 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 at 40 C.F.R. part 141.
8. The System has approximately 820 service connections used by year-round residents and/or regularly serves an average of approximately 1,500 year-round residents, and is, therefore, a public water system as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4).
9. The EPA has determined that this Order is necessary to protect human health.
10. Prior to issuing this Order, the EPA consulted with the System and State and/or local governmental authorities to confirm the facts stated in this Order and to confirm that State and local governments are unable to act to protect public health in this instance.

11. 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 below.

12. On June 4, 2015, a flash flood resulted in a power outage and the System's water pumps were unable to operate, leading to a loss of pressure in the distribution system. The EPA has been advised that Respondent began providing bottled water to the homes impacted by the pressure loss and issued a "red flag" shutdown public notice to residents that same day.

13. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside the 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 that fecal contamination or other disease causing organisms could enter a distribution system.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

ALTERNATE WATER SUPPLY

15. Upon receipt of this Order, Respondents shall continue to notify the public that an alternate potable water supply is available. Respondents 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. Respondents may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of the NPDWRs. In that case, the alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until water service is restored to affected users of the System.

BOIL ORDER AND PUBLIC NOTICE

16. Upon receipt of this Order, Respondent shall continue to notify the public of the "DO NOT USE WATER" notice. **Upon pressure** being restored to the System, Respondent shall issue a boil water advisory that will continue until monitoring of the water is conducted. Respondent shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondent shall continue providing the public notice until EPA provides written notice that public notice may be discontinued.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Within 48 hours of power being restored to the System, Respondent shall clean and disinfect all water tanks prior to refilling. After the tanks have been properly cleaned and disinfected and a pressure of 25 pounds per square inch (psi) is regained, the Respondent shall flush and disinfect the System's distribution system.
18. Within 24 hours after flushing and disinfecting the System as required by paragraph 17, above, Respondent shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.21(a)(6)) samples from the System's distribution system. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli*. The System shall also collect a special purpose nitrate/nitrite sample to determine if the System's compromised wastewater system has affected the drinking water.
19. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) to determine compliance with the total coliform MCL as stated in 40 C.F.R. § 141.63.
20. After Respondent receives written notification from the EPA that it may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. §§ 141.21.
21. Respondent shall monitor and report the System's chlorine residual at the same time and same location as all special and routine total coliform samples.
22. Respondent shall comply with all applicable requirements of 40 C.F.R. part 141, including, but not limited to the requirements in 40 C.F.R. § 141.21 to collect four repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect five routine total coliform samples in the month following a total coliform-positive sample result.
23. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondent shall report all sampling results to the EPA by telephone or fax immediately upon (i.e., as soon as practicable, and in no event more than 24 hours after) receiving the results.
24. The EPA may require Respondent to increase total coliform, chlorine residual, and nitrate/nitrite sampling at any time while this Order is in effect.

REPORTING

25. Respondent must give daily updates to the EPA on progress of returning the System to compliance. Daily updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

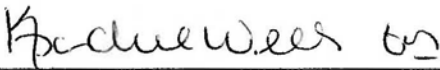
26. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Kathelene Brainich, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6481, or (303) 312-6481
Fax (303) 312-7518
e-mail: brainich.kathelene@epa.gov


27. This Order does not relieve the Respondent from complying with any applicable federal, state, or local law.

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

29. Issued and effective this 4th day of June, 2015.



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



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

DRINKING WATER WARNING

Loss of pressure/Flooding

TOWN OF LUSK

BOIL YOUR WATER BEFORE USING

Fecal coliform [or *E. coli*] bacteria may be found in the water supply due to the flooding experienced on June 6, 2015. These bacteria can make you sick, and are a particular concern for people with weakened immune systems. Bacterial contamination can occur when increased water enters the drinking water source.

What should I do? What does this mean?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for three minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills bacteria and other organisms in the water.
- **Fecal coliforms 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 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.**
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice from their health care providers about drinking this water.

What is being done?

We will inform you when tests show no bacteria and you no longer need to boil your water.

For more information, please contact _____ at _____. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

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.

Date distributed _____ Name and signature _____