

08/08/2022

7:00am

Received by
EPA Region VIII
Hearing Clerk

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF)
)
Jim Miller, Owner)
)
Star Valley Trailer Court Public Water)
PWS ID # WY5601017)
)
Respondent. _____)

Docket No. SDWA-08-2022-0021

**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. 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. Mr. Jim Miller is an individual who owns and/or operates the Star Valley Trailer Court Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
4. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
5. The System is supplied by a groundwater source accessed via one artesian well (Well#01). The water is untreated. The System is operated year-round.
6. The System has 32 service connections and regularly serves 72 individuals daily year-round.
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 at 40 C.F.R. part 141 (Part 141).
8. Prior to issuing this Order, the EPA consulted with the Respondent to confirm the facts stated in this Order and was told that the Respondent had begun taking actions to protect the public. The EPA also consulted with state and local authorities prior to issuing this Order 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 August 5, 2022, through the National Response Center (NRC), the EPA received a notification that on August 4, 2022, an unknown oily substance started coming out of the taps and in toilets of six homes, which serve a total of 12 people. At 10:00 pm on August 4, 2022, the System's owner shut off the water at the pump, attempting to isolate the well and storage tank. The NRC report states that an individual in one of the homes of the trailer court deliberately injected the oily substance into the water distribution line. There was no pressure in the entire System for an undetermined number of hours. Consumers of the water have the potential to be exposed to unknown contaminants which may present an imminent and substantial endangerment to human health.

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 August 5, 2022, the EPA provided Respondent with a Do Not Use public notice.

ORDER

INTENT TO COMPLY

13. Within 24 hours of receipt of this Order, Respondent must notify the EPA in writing of their intent to comply with the terms of this Order. Notification by email to the EPA point of contact identified below is acceptable.

PUBLIC NOTICE

14. Immediately upon the receipt of this Order, Respondent must notify the public in the affected area of the situation described in this Order and distribute the Do Not Use public notice provided by the EPA on August 5, 2022. The notice must be distributed door-to-door as well as posting it in conspicuous locations and announced on the local radio station. Respondent must submit a copy of the notice to the EPA within 24 hours of its distribution. Respondent must continue providing the public notice until the EPA provides written notification to discontinue.

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. Upon receipt of this Order, Respondent shall notify the public that an alternate potable water supply is available. 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. Respondent 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 National Primary Drinking Water Regulations. 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.

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 to the public indicating that an alternate water supply is available.

DISTRIBUTION SYSTEM FLUSHING AND MONITORING REQUIREMENTS

18. Within 24 hours after receipt of this Order, Respondent shall flush the distribution main, affected service lines and premise plumbing at the System until the unknown oily substance is no longer detected using visual and available instrumentation.

EMERGENCY SAMPLING

19. Respondent shall conduct emergency “special” sampling for Synthetic Organic Chemicals (SOCs) and Inorganic Chemicals (IOCs) before flushing. Respondent must sample the drinking water at the first tap affected by the contamination source. If SOCs are detected at or above the detection level, and/or the IOCs are above the Maximum Contaminant Levels (MCLs), Respondent must sample for SOCs and/or IOCs at the same locations as those indicated in paragraph 20. These samples should be labeled as “special” samples, not for use for compliance.

20. Respondent shall conduct emergency “special” sampling for Volatile Organic Chemicals (VOCs) once successful flushing operations have been completed. In collecting the VOC samples, the water should sit undisturbed for at least eight hours, preferably 24 hours, after the flushing operations have been completed. The required sampling locations are at the end point of the distribution system, all homes that identified the oily substance coming out from taps and/or toilets, and two additional homes selected randomly. These samples should be labeled as “special” samples, not for use for compliance.

21. Respondent shall collect two consecutive days of “special” purpose samples to be analyzed for total coliform and *E. coli* from three locations; specifically, two of the homes that identified the oily substance coming out from taps and/or toilets and the well. These samples should be labeled as “special” samples, not for use for compliance.

22. Respondent shall submit to EPA the results of all samples immediately upon receipt of the lab analyses.

23. The EPA may require Respondent to increase sampling and conduct additional flushing at any time while this Order is in effect.

**NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS
TO PUBLIC HEALTH**

24. Respondent must notify the EPA within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants. 40 C.F.R. §141.202(b)(2).

REPORTING

25. Respondent must give daily updates to the EPA on providing an alternative water source, flushing the System, and monitoring for VOCs, IOCs, SOCs, total coliform and *E. Coli*. Updates must be submitted 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. The point of contact for all communication with the EPA in this matter is:

Christina Carballal
E-mail: Carballal-broome.christina@epa.gov
Telephone: (800)227-8917, ext. 6046, or (303) 312-6046
Fax: (303) 312-7518

27. This Order does not relieve Respondent from the obligation to comply with any applicable federal, 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 Respondent's 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.

Emergency Administrative Order
Star Valley Trailer Court Public Water System
Jim Miller, Owner
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32. Issued and effective this 5th day of August, 2022.

Colleen Rathbone, Branch Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division