

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2016 MAY 12 AM 10: 27

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IN THE MATTER OF )  
 )  
Solvay Chemicals, Inc., )  
PWS ID 5600914 )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. ~~SDWA-08-2016-0009~~

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 (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 Solvay Chemicals, Inc. (Respondent) is a company and therefore a “person” as that term is defined in the Act. 42 U.S.C. § 300f (12).
5. Respondent owns and/or operates the Solvay Chemicals Public Water System (System) located in Sweetwater County, Wyoming, which provides water to the public for human consumption.
6. The System is supplied by a surface water source which is treated with cartridge filtration, preceded by adequate pretreatment, and is classified as alternative filtration. The System also provides disinfection using an ultraviolet (UV) disinfection system and chlorine gas.
7. The System has approximately 9 service connections and/or regularly serves approximately 452 of the same individuals daily for at least six months out 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). The System is also a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.
8. 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.

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 below. The EPA has determined that this Order is necessary to protect public health.

10. The Green River drainage had an exceptional rainfall event the weekend of May 7, 2016, resulting in extremely high raw water turbidity. The System learned on May 7, 2016, that the filtered potable water turbidity exceeded 5 Nephelometric Turbidity Units (NTUs). Samples of filtered water taken May 7, 2016, through May 10, 2016, were above the maximum limit of 5 NTUs for alternative filtration. 40 C.F.R § 141.551(b). On May 9, 2016, filtered water turbidity was 40 NTUs and on May 10, 2016, filtered water was 20 NTUs.

11. Respondent notified the EPA on Monday morning, May 9, 2016, of the extremely high turbidity in the filtered water.

12. High levels of turbidity increase the chance that the drinking water may contain disease-causing organisms, such as cryptosporidium, giardia, and *E. coli*.

13. The EPA has been advised that the Respondent has sent an e-mail to all employees notifying them to not drink the water due to high turbidity levels and that bottled water is available. In addition, the Respondent has put "DO NOT DRINK" tags on faucets and drinking fountains. On May 11, 2016, the EPA provided the Respondent with a template for a boil water advisory.

### **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 to the EPA point of contact identified below is acceptable.

#### **BOIL ORDER AND PUBLIC NOTICE**

15. Upon receipt of this Order, Respondent shall notify the public of the problem described in this Order in the affected area and distribute a boil water advisory. Directions on the required content for the public notice and advisory are included in the public notice template enclosed with this Order. Respondent shall submit a copy of the notice to the EPA within 24 hours of its distribution. Respondent shall continue the public notice until the EPA provides written notification to discontinue public notice. Respondent must carry out the public notice and other notice requirements that the EPA directs. Respondent must comply with this requirement in any future high turbidity event or any similar emergency situation.

### **ALTERNATE WATER SUPPLY**

16. Using the public notice required in paragraph 15 above, Respondent shall notify the public that an alternative 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 Drinking Water Regulations. Any 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.

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

17. Once the System's combined filter effluent turbidity is less than 1 NTU (post-cartridge filtration), Respondent shall flush and disinfect the System, including disinfection of the distribution system and any storage tanks that are part of the 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 samples (defined in 40 C.F.R. § 141.21(a)(6)) from the System's distribution system. Respondent shall ensure that each sample is analyzed for total coliform and *E.coli*.

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 maximum contaminant level 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. § 141.853-857.

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 remain obligated to comply with all applicable requirements of 40 C.F.R. part 141, including, but not limited to the requirements in 40 § C.F.R. 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result. If a repeat sample is total coliform or *E.coli* positive, within 24 hours of being notified of the positive sample, Respondent shall consult with the EPA for further compliance requirements. Depending on the results of the bacteriological monitoring, Respondent may be required to conduct a Level 1 or Level 2 assessment.

23. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the distribution system according to the Sample Siting Plan. Additionally,

Respondent shall report all sampling results to the EPA by telephone, email 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 turbidity, total coliform and chlorine residual sampling at any time while this Order is in effect.

### REPORTING

25. Respondent must give weekly updates to the EPA on progress of monitoring turbidity, flushing and disinfecting the distribution system and storage tanks, monitoring total coliform and residual chlorine, as well as any other treatment changes made. Weekly 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:

Jill Minter, 8ENF-W  
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

27. This Order does not relieve 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 12th day of May, 2016.

*Kendall Weale for*

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

*James H. Eppers*

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