

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

IN THE MATTER OF	)	
	)	
	)	
LANAGAN, MISSOURI	)	
PUBLIC WATER SYSTEM,	)	
	)	
Respondent	)	ADMINISTRATIVE ORDER
	)	TO ADDRESS IMMINENT
	)	AND SUBSTANTIAL
	)	ENDANGERMENT
Proceeding under section 1431(a)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300i(a)	)	Docket No. SDWA-07-2018-0269
_____	)	

**STATUTORY AUTHORITY**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i, as properly redelegated to the Director, Water, Wetlands and Pesticides Division with concurrence of the Regional Counsel, EPA, Region 7.

**JURISDICTION**

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i.
2. The state of Missouri has primary enforcement responsibility for the Act's public water supply protection program in Lanagan, Missouri. The Lanagan, Missouri Public Water System is identified as Water System Number MO5010449.

## FINDINGS

3. Respondent Lanagan, Missouri Public Water System (Lanagan PWS or Respondent) is a “person” as defined in 40 C.F.R. § 141.2 for purposes of federal enforcement of the Act.

4. The Lanagan PWS provides water for human consumption in the city of Lanagan, Missouri. The System serves approximately 420 year-round residents annually through approximately 150 service connections.

5. The System is a “public water system” and a “community water system” as defined in section 1401 of the Act, 42 U.S.C. § 300f and 40 C.F.R. § 141.2.

6. As the owner and operator of the Lanagan PWS, Respondent is a “supplier of water” as that term is defined in section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. As provided in section 1411 of the Act, 42 U.S.C. § 300g, Respondent is therefore required to comply with the Act and the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. Part 141.

7. The System is supplied solely by ground water from one active well. The Lanagan PWS’s Average Daily Production is calculated at 88,000 gallons per day.

8. 40 C.F.R. § 141.66 establishes the Maximum Contaminant Level (MCL) for radionuclides. The MCL for Combined Radium-226 and Radium-228 is 5 pCi/L. The MCL for Gross Alpha Particle Activity is 15 pCi/L.

9. For each monitoring period since at least 2007, the Lanagan PWS has exceeded the MCL for Combined Radium-226 and Radium-228 and the MCL for Gross Alpha Particle Activity.

10. The radionuclides present in the Lanagan PWS are “contaminants” as defined in

40 C.F.R. § 141.2.

11. Radionuclides emit ionizing radiation, a known human carcinogen, when they radioactively decay. People who drink water containing alpha emitters or Radium-226 or Radium-228 in excess of the MCL may have an increased risk of getting cancer over time.

12. Citing Respondent's long-term noncompliance with the Act, the Missouri Department of Natural Resources referred Respondent's MCL exceedances to the Missouri Attorney General's Office for civil enforcement in March 2011.

13. On June 30, 2016, EPA issued Respondent a Notice of Violation pursuant to Section 1414 of the Act, 42 U.S.C. § 300i. The NOV cited violations of the MCLs for Combined Radium-226 and Radium-228, and for Gross Alpha Particle Activity.

14. Based on information provided by MDNR and the Missouri Attorney General's Office, at the conclusion of a September 1, 2017, bench trial, the Court ordered the city of Lanagan to submit a proposed timeline for compliance with the Act. To date, the City has not submitted a compliance plan to MDNR or the Court.

15. EPA has determined that the Lanagan PWS's ongoing noncompliance with the radionuclide MCLs have resulted in the presence of contaminants in the PWS which present an imminent and substantial endangerment to the health of persons.

16. Prior to issuing this Order, EPA consulted with MDNR and the Lanagan PWS to confirm the correctness of the information on which this action is proposed and to ascertain the action which MDNR and the Lanagan PWS are or will be taking.

17. MDNR has taken the actions described above, however, the state of Missouri and local authorities have not been successful in the abatement of ongoing exposures to radionuclides in Lanagan's drinking water.

18. This Order is necessary to ensure adequate protection of public health.

**EMERGENCY ADMINISTRATIVE ORDER**

19. Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order.

20. Respondent shall continue to provide notice to the public of its ongoing radionuclide MCL violations pursuant to 40 C.F.R. § 141.203, and provide certification to the MDNR that required public notice has been completed.

21. Respondent shall continue the public notice as set forth in paragraph 20 above until EPA provides written notification to discontinue public notice.

22. Within fourteen days of receipt of this Order, Respondent shall submit, for EPA review and approval, a plan and schedule to provide an alternate water supply to Lanagan PWS users. The alternate water supply must be either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the National Primary Drinking Water Regulations and shall be made available at no cost to all users of the PWS as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide at least one gallon of potable water daily per person, upon request.

23. If EPA identifies any deficiencies in the Alternate Water Supply Plan in paragraph 22, Respondent shall correct all deficiencies and resubmit the report, or disapproved portions thereof, within seven calendar days of notification, or such longer time as agreed to by EPA in writing.

24. Upon EPA approval of the Alternate Water Supply Plan in paragraph 22, Respondent shall immediately implement the Plan, and notify persons served by the water system

that an alternative potable water supply is available upon request, at no charge. Certification that this notification was completed shall be provided to EPA within seven days of completion.

25. Respondent shall provide a monthly summary report of actions it has taken to provide alternate water as outlined in paragraph 22 above. The summary report shall, at a minimum, include the following information: the number of requests for alternate water submitted; the number of people provided alternate water; the date alternate water was provided; and the quantity of water provided. The summary report shall be submitted no later than the 10th day of the month following the reporting period.

26. Within 90 days of the effective date of this Order, the Respondent shall submit to MDNR, for review and approval, and EPA, an engineering report, prepared by a professional engineer, licensed in Missouri, in accordance with 10 CSR 60-13.020 (2)(F) and the Minimum Design Standards for Missouri Community Water Systems, effective date December 10, 2013. The report shall propose multiple solutions to the radionuclide MCL violations of the Safe Drinking Water Act and the projected cost to implement each solution.

27. If MDNR identifies any deficiencies in the engineering report in paragraph 26, Respondent shall correct all deficiencies and resubmit the report, or disapproved portions thereof, within thirty calendar days of notification, or such longer time as agreed to by EPA in writing.

28. Within thirty days of the approval of the engineering report in paragraph 26 by the MDNR, Respondent shall submit a Schedule of Compliance for abating the radionuclide MCL violations to MDNR and EPA. The Schedule must contain, at a minimum, Respondent's preferred solution identified in the engineering report, how Respondent plans to fund the preferred solution(s), and the timeline for its implementation. If the preferred solution involves packering and/or blending from existing well "2", which is inactive, or well "3", which is active,

District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).

32. Violation of any requirement of the NPDWRs may subject the Respondents to a civil penalty of not more than \$38,954 (adjusted for inflation according to 40 C.F.R. part 19) per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

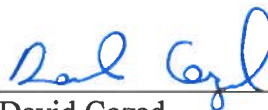
33. Respondent may seek federal judicial review of the Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

34. The effective date of this Order shall be the date of issuance.

Issued this 30<sup>th</sup> day of August 2018.



Jeffery Robichaud  
Director  
Water, Wetlands and Pesticide Division



David Cozad  
Regional Counsel  
Office of Regional Counsel

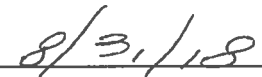
**CERTIFICATE OF SERVICE**

I certify that on the date note below I filed the original and one true and correct copy of the signed original Administrative Order to Address Imminent and Substantial Endangerment with the Regional Hearing Clerk, Region 7.

I further certify that I sent by certified mail, return receipt requested, a true and correct copy of the signed original Administrative Order to Address Imminent and Substantial Endangerment together with cover letter to the following:

The Honorable Stan Haywood  
Mayor  
City of Lanagan  
Lanagan City Hall  
205 Forrest Street  
Lanagan, Missouri 64847.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date