



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

NOV 20 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Lori Bear, Chairwoman
Skull Valley Band of Goshute Indians
P.O. Box 448
Grantsville, UT 84029

RE: Emergency Administrative Order
under Section 1431 SDWA
Docket No. **SDWA-08-2013-0003**
Skull Valley Public Water System
PWS ID #4990008

Dear Chairwoman Bear:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. On November 19, 2012, the EPA was notified that pressure had been lost in the Skull Valley public water system (system) due to a possible line break before the system's storage tank on or about November 16, 2012. This situation may pose an imminent and substantial health endangerment to persons served by the system.


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

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the water system are provided with safe drinking water. The Order requires, in part, that the system prepare, deliver and post a Boil Order and public notice until notified by the EPA to discontinue; disinfect and flush the system, including all storage tanks in use, following repairs of the possible line break; take additional total coliform bacteria samples; and report daily to the EPA on the situation at the system. The penalties for failing to comply are set forth in the Order.

The EPA thanks the Skull Valley Band of Goshute Indians Tribal government for its initial efforts to address the situation at the system. If you or your staff have any questions or wish to

discuss this Order, please contact Mario Mérida at (800) 227-8917 extension 6297 or 303-312-6297. Legal questions may be directed to Amy Swanson, Legal Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906.

Sincerely,



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosures

Emergency Administrative Order and attachments

cc: Tina Artemis, EPA Regional Hearing Clerk
Julia Majkrzak, Fort Duchesne, Indian Health Service

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 NOV 20 PM 3:46

IN THE MATTER OF

Skull Valley Band of
Goshute Indians

PWS ID # 4990008
Respondent.

)
)
) **EMERGENCY ADMINISTRATIVE**
) **ORDER**
)

FILED
EPA REGION VIII
HEARING CLERK

) Docket No. **SDWA-08-2013-0003**
)

AUTHORITY AND FINDINGS

This Order is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431 of the Public Health Service Act (also known as the Safe Drinking Water Act or Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.

EPA has primary enforcement responsibility for the Act's public water supply protection program on the Skull Valley Band of Goshute Indians Reservation (the Reservation). No other governmental authority has applied for and been approved to administer the program on the Reservation.

Failure to comply with this Order may result in civil penalties of up to \$16,500 per day, 42 U.S.C. § 300i(b).

EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).

Respondent, the Skull Valley Band of Goshute Indians, is a federally recognized Indian tribe and is a "person" as that term is defined in the Act, 42 U.S.C. § 300f(12), and in 40 C.F.R. § 141.2, for purposes of enforcement of the Act.

Respondent owns and/or operates the Skull Valley Public Water System (System), located in Skull Valley, Utah, that provides water to the public for human consumption.

Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.

Respondent's System serves an average of 30 persons daily through 7 service connections, and is therefore subject to the Act and regulations.

The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to human health. The EPA made this determination

because on or about November 16, water became unavailable to multiple residences. The System operator suspects that a line break has occurred interrupting water supply to the storage tank and service to household users. This 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 the distribution system.

Prior to issuing this Order, EPA consulted with the System, the Skull Valley Tribal government and other governmental authorities to confirm the facts and the potential endangerment and has determined that this Order is necessary to protect human health.

FINDINGS OF VIOLATION

1. Respondent is required to consult with EPA as soon as practical, but no later than 24 hours after the public water system learns of a situation with significant potential to have serious adverse effects on human health as a result of short-term exposure. 40 C.F.R. § 141.202(b)(2). EPA was not notified within 24 hours following disruptions to the System's operation caused by a loss of pressure to the distribution system and Respondent, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

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

BOIL ORDER AND PUBLIC NOTICE

3. Within 24 hours of 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 Attachment A to this Order. Respondent shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondent shall continue the public notice as set forth in Attachment A until EPA provides written notification to discontinue public notice.

ALTERNATE WATER SUPPLY

4. Using the public notice required in paragraph 3 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. EPA understands that the Respondent is currently providing water from a location in the System prior to the water tank and distribution

system. This water may constitute an “alternate water supply” for this purpose, but Respondent must remind residents using this water that the boil water advisory instructions apply. 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 National Primary Drinking Water Regulations (drinking water regulations). 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 Respondent receives written notification from EPA that alternate water is no longer necessary.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

5. Once the pressure of 25 pounds per square inch (psi) is regained and disinfection treatment is restored to service, Respondent shall clean and flush the System including disinfection of the distribution system and any storage tanks that are part of the System.
6. Once the System has been flushed and disinfected, Respondent shall collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution system to determine compliance with the total coliform maximum contaminant level (MCL). 40 C.F.R. § 141.63.
7. After Respondent collects a sufficient number of consecutive daily total coliform samples that are negative and receives written notification from EPA to discontinue daily total coliform sampling, Respondent shall collect weekly special purpose bacteriological samples (1 sample per week) to determine compliance with the total coliform MCL. 40 C.F.R. § 141.63.
8. After Respondent collects a sufficient number of weekly total coliform samples that are negative and receives written notification from EPA to discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.
9. If any of the designated routine sample results is total coliform-positive, Respondent shall collect four repeat samples within 24 hours of being notified of the total coliform-positive sample. 40 C.F.R. § 141.21(b). Furthermore, Respondent shall collect 5 routine total coliform samples in the month following a total coliform-positive sample result. 40 C.F.R. § 141.21(b)(5).
10. If any of the designated routine sample results is total coliform-positive, within 24 hours of being notified of those results Respondent shall collect a “triggered” sample from the source to be analyzed for *E. coli*. 40 C.F.R. § 141.402.
11. Respondent shall monitor the chlorine residual at the same time and same location as the total coliform samples (as required in paragraphs 6 through 8 above) until Respondent

- receives notification from EPA to discontinue chlorine residual monitoring.
12. Respondent shall continue increased monitoring of total coliform bacteria and chlorine residual as required in paragraphs 6, 7 and 11 above until receiving written notice from EPA to discontinue increased sampling. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system. Additionally, Respondent shall report all sampling results to EPA by telephone and, email, or fax immediately upon receiving the results.
 13. For the total coliform sampling in paragraph 8 above, Respondent shall designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.
 14. By providing oral or written notification, EPA may require Respondent to increase and/or decrease total coliform sampling and chlorine residual sampling at any time while the Order is in effect.

COMPLIANCE MEASURES

15. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a plan and schedule that outlines actions to be taken that will ensure that there is no future loss of pressure to the system. The plan shall identify the cause of the pressure loss and provide a schedule for resuming water service. The proposed schedule shall include specific milestone dates and a final compliance date. The Respondent may consult with the Indian Health Service on preparing this plan and schedule.
16. Within 10 days of completion of the plan and schedule required in paragraph 15, Respondent shall notify EPA in writing of project completion.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS TO PUBLIC HEALTH

17. Respondent shall notify EPA as soon as practicable, but within 24 hours after Respondent learns 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

18. Respondent shall submit all reporting required in paragraph 12 via telephone and/or email or fax. These reports should also include updates on repair work to fix the service line(s) and restore pressure to the System.

19. All contact with EPA shall be to:

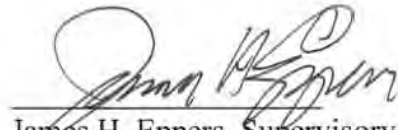
Mario Mérida, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6297 or (303) 312-6297
Fax (303) 312-7518
e-mail: merida.mario@epa.gov

20. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

21. Issued and effective this 20th day of November, 2012.



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



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

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be issued and posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Skull Valley Public Water System. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations ("NPDWRs") violations. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R. § 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.

11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., **SHALL BE BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE**, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- X Radio
- X Television
- X Hand or direct delivery
- X Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We are chlorinating and flushing the water system.
- X We are switching to an alternate drinking water source.
- X We are increasing sampling for coliform bacteria to determine the source of the contamination.
- X We are repairing the wellhead seal.
- X We are repairing the storage tank.
- X We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the

water system and restricting water use to emergencies.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

Please send a copy of your notice and dates posted to:

Mario Mérida
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Mario Mérida at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

DRINKING WATER WARNING

Skull Valley Public Water System lost pressure in the distribution system

BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The Skull Valley Public Water System was unable to provide water to its users on/about November 16, 2012 due to suspected line break before the system's storage tank. This led to a loss of pressure in the distribution system, which 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. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring any water obtained from the Skull Valley Water System 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.
- A loss of pressure in the 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 contamination or other disease causing organisms could enter the distribution system.
- Bacteria and other organisms can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly 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 about drinking water from their health care providers.

What happened? What is being done?

[Give a description of what is being done, where consumers may get an alternate source of water (provided by Skull Valley), etc.]

For more information, please contact [name of contact] at [phone number] or [mailing address]. 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.

This notice is being sent to you by _____
Water System ID#: _____
Date distributed: _____