

August 4, 2020  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

IN THE MATTER OF )  
)  
Crossroads of the West Council, )  
Boy Scouts of America )  
)  
Respondent. )  
)  
Teton High Adventure Base Public Water System )  
PWS ID# WY5601242 )

Docket No. SDWA-08-2020-0035

**AMENDED EMERGENCY  
ADMINISTRATIVE ORDER**

**AUTHORITY**

1. This Amended 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). This order supersedes and replaces in its entirety the Emergency Administrative Order issued by EPA on July 31, 2020, EPA Docket No. SDWA-08-2020-0034. 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 an underground source of drinking water 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. Boy Scouts of America, Crossroads of the West Council, (Respondent) is a Utah corporation that owns and/or operates the Teton High Adventure Base Public Water System (System), which provides piped water to the public in Teton County, Wyoming for human consumption.
4. The System is supplied by a groundwater source accessed via one well. There is no treatment. The System is operated seasonally from June through September.
5. Prior to issuing this Order, the EPA consulted with Respondent to confirm the facts stated in this Order and with state and local authorities to ascertain they have not acted to protect the health of persons in this instance.
6. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons, based on the facts indicated in paragraphs 7 and 8, below. The EPA has determined that this Order is necessary to protect public health.

7. *E. coli* are bacteria whose presence indicates that the water may have been contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

8. On July 29, 2020, the EPA was notified that a routine bacteriological sample collected from the System's distribution system on July 28, 2020, was analyzed as positive for total coliform and *E. coli*. A triggered groundwater source sample collected from Well #1 on July 29, 2020, tested positive for total coliform and *E. coli*. On July 31, 2020, the EPA was notified that three repeat samples and four additional triggered source water samples collected from the System on July 30, 2020, were analyzed as positive for total coliform and *E. coli*.

9. On July 31, 2020, the EPA provided Respondent with a public notice template for a boil water advisory. On July 31, 2020, Respondent notified persons served by the System of the contamination, posted the boil water advisory and submitted a copy of the boil water advisory and certification to the EPA.

## **ORDER**

### **INTENT TO COMPLY**

10. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of their intent to comply with this Order. Notification by e-mail to the EPA point of contact identified below is acceptable.

### **BOIL WATER ADVISORY AND PUBLIC NOTICE**

11. The boil water advisory and public notice referenced in paragraph 9, above, shall remain in place until the EPA provides written notification to Respondent that it is no longer needed.

### **ALTERNATE WATER SUPPLY**

12. Using the boil water advisory and public notice referenced in paragraph 9, above, Respondent shall, no later than 24 hours after receipt of this Order, notify the public that an alternative potable water supply is available at no cost to all users of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing. The alternate water supply shall be made available until the Respondent receives written notification from the EPA that it is no longer necessary to supply it.

13. No later than five days after the effective date of this Order (see paragraph 31, below), Respondent shall provide the EPA with a copy of their notification that an alternate water supply is available.

### **CORRECTIVE MEASURES**

14. Within 15 days after the effective date of this Order (see paragraph 31, below), Respondent shall provide the EPA with a plan and schedule that outlines corrective actions taken and/or to be taken to prevent future *E. coli* contamination at the System. The plan shall identify the cause of the contamination referenced in paragraph 8, if possible, and include proposed System modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final completion date (to be within three months from the date of the EPA's approval of a schedule). The schedule must be approved by the EPA before construction or modifications may commence.

15. The schedule required by paragraph 14, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. If implementation of the plan fails to correct and/or prevent *E. coli* contamination, the EPA may order further steps.

16. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

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

17. Within 24 hours after providing the written notification required by paragraph 10, above, Respondent shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.

18. Following disinfecting and flushing of the System, beginning on the first date when no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per day) special purpose (as directed by the EPA) samples from the System's distribution system until notified by the EPA that consecutive daily sampling may be discontinued. These daily samples should be labeled as "special" samples, not for use for compliance. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA immediately upon receipt of the analysis from the laboratory. Along with the total coliform sample collection, Respondent shall measure the chlorine residual, indicating free or total, and provide these measurements along with the total coliform analysis from the laboratory.

19. After Respondent receives written notification from the EPA that they may discontinue daily "special" total coliform sampling, Respondent shall collect weekly total coliform samples (one sample per week). These samples should be marked "special."

20. After Respondent receives written notification from the EPA that they may discontinue weekly total coliform sampling, Respondent shall thereafter collect monthly routine samples for total coliform to determine compliance.

21. Within 24 hours of being notified of a total coliform-positive sample result, Respondent shall immediately consult with the EPA. Respondent shall collect additional source water samples and collect repeat total coliform samples as directed by the EPA.

22. Respondent shall collect all total coliform samples at sites that are representative of water throughout the System. Additionally, Respondent shall report all sampling results to the EPA by email immediately upon (i.e., as soon as practicable, and in no event more than 24 hours after) receiving the results.

23. The EPA may require Respondent to increase total coliform sampling at any time while this Order is in effect.

### **REPORTING**

24. Respondent must give daily updates to the EPA on the progress of disinfecting and flushing the System and monitoring for total coliform and chlorine residual. Updates must be submitted to the EPA daily 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.

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

Jill Minter  
via e-mail: [minter.jill@epa.gov](mailto:minter.jill@epa.gov)  
Telephone (800) 227-8917, ext. 6084, or (303) 312-6084

26. This Order does not relieve Respondent from obligations to comply with any applicable federal, state, or local law.

27. Failure to comply with this Order may result in civil penalties of up to \$24,386 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 85 Fed. Reg. 1751, 1754 (January 13, 2020).

28. 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).

29. 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.

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30. 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.

31. U.S. EPA Region 8 Issued and effective this 4th day of August, 2020.

Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202