



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917

<http://www.epa.gov/region08>

July 8, 2020

July 9, 2020  
7:05 AM

Received by  
EPA Region VIII  
Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL READ RECEIPT REQUESTED

Mrs. Rose Arndt, Mayor  
[tocmayor@allwest.net](mailto:tocmayor@allwest.net)

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Town of Cokeville Public Water System, PWS ID #WY5600015,  
Docket No. **SDWA-08-2020-0031**

Dear Mayor Arndt:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency to the Town of Cokeville, under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Town of Cokeville Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on a notification from Lincoln Water Quality Lab on July 8, 2020, that the System has *E. coli* contamination, as described in the Order.

Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. The Order and its requirements are necessary to ensure adequate protection of public health.

The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the Town of Cokeville to, among other things, take the following actions: issue a boil water advisory and provide an alternate source of water until notified by the EPA to discontinue; submit a plan and schedule for corrective actions; disinfect and flush the System; and take additional total coliform bacteria samples.

The penalties for failing to comply are set forth in the Order. If you have any questions or wish to discuss the Order, please contact Steven Latino at (800) 227-8917 extension 6440 or (303) 312-6440, or by email at [latino.steven@epa.gov](mailto:latino.steven@epa.gov). Any questions from the Town's attorney should be directed to Matthew Castelli, Senior Assistant Regional Counsel, (800) 227-8917, extension 6491, or at (303) 312-6491, or by email at [castelli.matthew@epa.gov](mailto:castelli.matthew@epa.gov).

Thank you for your attention to this matter.

Sincerely,

**COLLEEN  
RATHBONE**

Digitally signed by  
COLLEEN RATHBONE  
Date: 2020.07.08 18:30:18  
-06'00'

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

Enclosures

cc: WY DEQ/DOH  
Lincoln County Commissioners  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Justin Pope, Operator  
Mike Duran, Operator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF	)		
	)	Docket No. <b>SDWA-08-2020-0031</b>	July 9, 2020
Town of Cokeville,	)		7:05 AM
	)	<b>EMERGENCY</b>	
Respondent.	)	<b>ADMINISTRATIVE ORDER</b>	Received by
	)		EPA Region VIII
Town of Cokeville Public Water System	)		
PWS ID #WY5600015	)		Hearing Clerk

**AUTHORITY**

1. This Emergency Administrative Order (Order) is issued by the U.S. 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 official has 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. The Town of Cokeville (Respondent) is a Wyoming municipality that owns and/or operates the Town of Cokeville Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
4. The System is supplied by a groundwater source accessed via two wells. The water is treated with chlorine gas and then sent to two storage tanks.
5. The System has approximately 184 service connections used by year-round residents and regularly serves an average of approximately 535 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
6. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).
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 System to confirm the facts stated in this Order and with local authorities 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 11, below. The EPA has determined that this Order is necessary to protect public health.

10. *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 health 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.

11. On July 7, 2020, the EPA was notified that a routine total coliform sample collected from the System on July 6, 2020, was analyzed as positive for total coliform and *E. coli*. On July 8, 2020, the EPA was notified that two repeat total coliform samples (see 40 C.F.R. § 141.858), as well as a triggered source sample (see 40 C.F.R. § 141.402), all of which were collected on July 7, 2020, tested positive for total coliform and *E. coli*. A third repeat sample, collected July 7, 2020, tested positive for total coliform and negative for *E. coli*.

12. In addition, a violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has any combination of a total coliform positive and *E. coli* positive routine and repeat samples or an *E. coli* positive routine and no repeat samples. These circumstances have occurred at the System, as set forth in paragraph 11, above, and, therefore, Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

13. On July 8, 2020, the EPA provided Respondent with a public notice template for a boil water advisory, and Respondent notified persons served by the System of the contamination on July 8, 2020.

## **ORDER**

### **INTENT TO COMPLY**

14. 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**

15. The boil water advisory referenced in paragraph 13, above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.

16. 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**

17. Using the public notice referenced paragraph 13, 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. 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. 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 alternative potable water.

18. No later than five days after the effective date of this Order (see paragraph 36, below), Respondent shall provide the EPA with a copy of their notification to the public indicating that an alternate water supply is available.

### **CORRECTIVE MEASURES**

19. Within 15 days after the effective date of this Order, 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 11, 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.

20. The schedule required by paragraph 19, 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.

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

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

22. Within 24 hours after collecting five additional source water samples (see 40 C.F.R. § 141.402(a)(3)), Respondent shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
23. Following disinfecting and flushing of the System, beginning on the first date when chlorine levels return to normal, Respondent shall collect consecutive daily (one sample per day) “special” purpose (defined in 40 C.F.R. § 141.853(b)) total coliform samples, identified in a following sentence herein, from the System’s distribution system until notified in writing 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.
24. After Respondent receives written notification from the EPA that they may discontinue consecutive daily “special” total coliform sampling, Respondent shall collect weekly “special” total coliform samples (one sample per week).
25. After Respondent receives written notification from the EPA that it may discontinue weekly “special” total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.855 to determine compliance.
26. Respondent shall collect all routine total coliform samples at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by Respondent. 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.
27. Respondent shall remain obligated to comply with the requirement in 40 C.F.R. §§ 141.402 (to collect an additional source water sample) and 141.858 (to collect three repeat samples within 24 hours of being notified of a routine total coliform-positive sample result). If a future repeat sample is positive for total coliform, Respondent shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.
28. The EPA may require Respondent to increase sampling at any time while this Order is in effect.

## REPORTING

29. 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.
30. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:
- Steven Latino  
via e-mail: latino.steven@epa.gov  
Telephone (800) 227-8917, ext. 6440, or (303) 312-6440
31. This Order does not relieve Respondent from the obligation to comply with any applicable federal, or local law.
32. 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).
33. 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).
34. 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.
35. 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.
36. Issued and effective this 8 day of July, 2020.

**COLLEEN  
RATHBONE**

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

Digitally signed by COLLEEN  
RATHBONE  
Date: 2020.07.08 18:31:49  
-06'00'