

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region080>

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter J. Moore and Bonnie A. Smith-Moore
Grasslands Mobile Home Park
103 Hwy 59
Douglas, WY 82633

RE: Emergency Administrative Order
under Section 1431 SDWA
Docket No. **SDWA-08-2011-0028**
and Administrative Order
Docket No. **SDWA-08-2011-0029**
PWS ID #5601629

Dear Mr. and Mrs. Moore:

Enclosed is an Emergency Administrative Order (EAO) issued by the Environmental Protection Agency (EPA) under § 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i. EPA has issued the EAO because EPA has made a finding that the level of uranium reported to be in the Grasslands Mobile Home Park's public water supply system may pose an imminent and substantial endangerment to the health of persons served by the system. The EAO is necessary to ensure adequate protection of public health.

The enclosed EAO directs you to take corrective actions to ensure that the people served by this system are provided with safe drinking water. The EAO requires, in part, that you issue a public notice, provide alternate water to residents, and submit a plan for correcting the problem with uranium. The penalties for failing to comply are set forth in the EAO.

Also enclosed is an Administrative Order (Order) issued by the EPA under the authority of § 1414 of the Act, 42 U.S.C. § 300g-3. Among other things, the Order describes how you, as owners and/or operators of the Grasslands Mobile Home Park, have violated the National Primary Drinking Water Regulations by exceeding the maximum contaminant level (MCL) for gross alpha, failing to monitor for radionuclides and total coliform, and failing to provide notice to the public and EPA of these violations. The Order requires you, among other things, to issue a public notice. A public notice template is enclosed to help you do this.

Although both the EAO and the Order require you to submit a corrective action plan to address the MCLs, you need only submit one plan to cover both uranium and gross alpha exceedances.

Although both the EAO and the Order require you to submit a corrective action plan to address the MCLs, you need only submit one plan to cover both uranium and gross alpha exceedances.

The Order and the EAO are effective upon the date received. Please review the Order and the EAO and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the EAO and the Order, EPA may close them without further action. Failure to comply with the EAO or the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order, the EAO, the Act, or the drinking water regulations.

If you have any questions or wish to discuss the Order and/or EAO, please contact Kathelene Brainich (800) 227-8917 extension 6481, or at (303) 312-6481. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312- 6858.

Sincerely,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Enclosures

EAO
Public Notices (2)
Order
SBREFA information sheet

cc: WY DOH & DEQ (via email)
Converse County Commissioners
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
Peter J. Moore and)
Bonnie A. Smith-Moore,)
)
Respondents.)
_____)

EMERGENCY ADMINISTRATIVE

ORDER

Docket No. **SDWA-08-2011-0028**

AUTHORITY AND FINDING OF ENDANGERMENT

This Order is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) 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.

Failure to comply with this Order may result in civil penalties of up to \$16,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.

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).

Peter J. Moore and Bonnie A. Smith-Moore (Respondents) are individuals and therefore "persons" as that term is defined in the Act. 42 U.S.C. § 300f(12).

Respondents own and/or operate the Grasslands Mobile Home Park Water System (the system), which provides piped water to the public in Converse County, Wyoming, for human consumption.

The system has approximately 27 service connections used by year-round residents and/or regularly serves an average of approximately 50 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 § 1401 of the Act, 42 U.S.C. § 300f.

EPA has determined that conditions exist at Respondents' system that may present an imminent and substantial endangerment to human health. EPA has made this determination based on the uranium levels of a sample taken on October 21, 2010, and analyzed on December 10, 2010, that were more than ten times the maximum contaminant level (MCL) for uranium. The MCL for uranium is 0.03 milligrams per liter (mg/L) and the analysis results were 0.40 mg/L. Prior to issuing this Order, EPA consulted with the system and state or local governmental authorities who have not had authority to act but have confirmed the facts and the potential endangerment. EPA has determined that this Order is necessary to protect human health.

FINDINGS OF VIOLATION

1. In addition to the preceding finding of endangerment, EPA also finds: Respondents are required to monitor the system's water quarterly for radionuclides to determine compliance with the gross alpha, total uranium, and total radium (radium 226 and radium 228) MCLs. 40 C.F.R. §§ 141.26 and 141.66(b), (c) and (e). If the running annual average (RAA) determined after four consecutive quarterly samples exceeds the MCL, or if any sample result will cause the RAA to exceed the MCL, it is a violation of the MCL. 40 C.F.R. § 141.26(c)(3)(i). Respondents most recently monitored for radionuclides on October 21, 2010, with analytical results of 0.40 mg/L for uranium. These results were more than four times the MCL, causing the RAA to violate the MCL for uranium.
2. Respondents are required to notify the public of certain violations of the drinking water regulations, in the manner and within the timeframe specified by the regulations 40 C.F.R. § 141.201 *et seq.* Respondents failed to notify the public of the uranium MCL violation within 30 days of the violation, and, therefore, violated this requirement.
3. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations listed in paragraphs 1 and 2, above, to EPA and, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

4. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order.

PUBLIC NOTICE WARNING – DO NOT DRINK THE WATER

5. Within 24 hours of receipt of this Order, Respondents shall notify the public of the results of the uranium sampling results described above and distribute a notice warning people not to drink the system's water. Directions on the required content for the public notice and warning are included in attachment A to this Order. Respondents shall submit a copy of the notice with a signed certification that it was completed to EPA within 24 hours of its distribution. Respondents shall continue the public notice as set forth in Attachment A until EPA provides written notification to discontinue public notice. Respondents must carry out the public notice and other notice requirements that EPA directs.

ALTERNATE WATER SUPPLY

6. Using the public notice required in paragraph 5 above, Respondents shall notify the public that an alternative potable water supply is available. The alternative 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 at 40 C.F.R. part 141 ("drinking water regulations") and shall be made available at no cost to all users of the water system as needed for drinking and cooking until Respondents receive written notification from EPA that alternative water is no longer necessary. Respondents 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 water system.

CORRECTIVE MEASURES

7. Within 30 days of the effective date of this Order, Respondents shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure compliance with the uranium MCL. 40 C.F.R. § 141.66. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the uranium MCL. The proposed schedule shall include specific milestone dates and a final compliance date to be within 6 months from the date of EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondents' plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) which may also be required before modifications can be made to the system.

8. The plan and schedule required by paragraph 7, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. EPA may incorporate the above required plans into an Administrative Order. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

REPORTING

9. Respondents shall give weekly updates to EPA on the progress of returning the system to compliance. Weekly updates must be submitted to EPA until EPA notifies the system that weekly reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

10. After being notified by EPA that weekly updates are no longer necessary, Respondents shall submit monthly reports to EPA on the status of all corrective measures until notified in writing by EPA to discontinue reports. Reports shall be postmarked or emailed by the 15th of each month.

11. Within 10 days of completion of the approved plans and schedule required in paragraph 7 above, Respondents shall notify EPA in writing of project completion.

12. All contact with EPA shall be to:

Kathelene Brainich, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800) 227-8917 X 6481 or (303) 312-6481
Fax (303) 312-7518
e-mail: brainich.kathelene@epa.gov

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

14. Issued and effective this 2nd day of March, 2011.



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

EMERGENCY PUBLIC NOTICE REQUIREMENTS AND TEMPLATE

Attachment A to EAO

The public notice must be posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the system. A copy of the public notice must be submitted to EPA (attn: Kathelene Brainich, at the address given in the Emergency Administrative Order) within 24 hours of completion of the public notice, with a notation of when the public notice was posted and delivered and the signature of the owner or operator certifying that the public notice was completed as directed.

The following is a suggestion for the form of the public notice:

DRINKING WATER WARNING

GRASSLANDS MOBILE HOME PARK EMEGENCY LEVELS OF URANIUM

DO NOT USE THE WATER

What should I do?

DO NOT DRINK THE WATER. Instead, use bottled water provided by the owner and/or operator of the system. Bottled water should be used for drinking, making ice, brushing teeth, and food preparation **until further notice**. As there could be some exposure to uranium from water droplets that get in the nose or mouth during a shower, it is recommended that residents reduce shower time to minimize exposure from this route.

Exposure to uranium in drinking water may result in toxic effects to the kidney. Some people who drink water in excess of the maximum contaminant level over many years may have an increased risk of getting cancer.

What happened? What is being done?

[insert details – see below for requirements]

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



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners

