



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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NOV - 7 2008

Ref: 8ENF-W

CERTIFIED MAIL AND VIA EMAIL
RETURN RECEIPT REQUESTED

Osmond Pipeline Company
c/o Ron Bassett
P.O. Box 858
Afton, WY 83110

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2009-0010**
PWS ID #WY5600154

Dear Mr. Bassett:

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 6, 2008, EPA was notified that the Osmond Pipeline Company water system (the "system") obtained total coliform and E. coli positive samples from monitoring conducted on November 3 and 4, 2008 at the system. This situation may pose an imminent and substantial health endangerment to persons served by the system.

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

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 issue a Boil Order and public notice until notified by EPA to discontinue, take additional total coliform bacteria samples, provide an alternate source of water, conduct Microscopic Particulate Analyses, and submit a plan for long-term compliance. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Shawn McCaffrey at (800) 227-8917 X 6515 or 303-312-6515. If you are represented by an attorney or have legal questions, please call Amy Swanson at the above 800 number, extension 6906, or at (303) 312-6906.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement,
Compliance and
Environmental Justice

Enclosures

Emergency Administrative Order
Public Notice & Boil Order Template

cc: WY DOH & DEQ (via email)
Lincoln County Commissioners (FYI only)
Tina Artemis, EPA Regional Hearing Clerk
Neil Cassity, Registered Agent

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
Osmond Pipeline Company)
Afton, WY) **EMERGENCY ADMINISTRATIVE**
Respondent) **ORDER**
) **DOCKET NO.: SDWA-08-2009-0010**
PWS ID #: WY5600154)
)
)
Proceedings under section 1431)
of the Safe Drinking Water Act,)
42 U.S.C. § 300i)

AUTHORITY AND FINDINGS

This Emergency Administrative Order (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).

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 is a company and therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).

Respondent owns and/or operates the Osmond Pipeline Company drinking water system ("system"), located in Lincoln County, Wyoming, 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.

The system serves approximately 250 persons year-round through 68 service connections, and is therefore a "public water system" as defined in the Act.

EPA has determined that conditions exist at Respondent's system that may present an imminent and substantial endangerment to human health. EPA has made this determination based on one sample collected on November 3, 2008 which was determined to be total coliform positive, and four samples collected on November 4, 2008, all of which were total coliform positive and three of which were positive for E. coli. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

Prior to issuing this Order, EPA consulted with the system and state or local 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 monitor the system's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. The drinking water regulations define the acute maximum contaminant level (MCL) for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample. 40 C.F.R. §141.63(b). Respondent's sampling results in November 2008 exceed the acute MCL for total coliform bacteria and, therefore, violate this requirement.

ORDER

INTENT TO COMPLY

2. 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.

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 distribution of 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. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement in any future acute MCL event or any similar emergency situation.

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. 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 ("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 Respondent receives written notification from EPA that alternative water is no longer necessary. 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 water system.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

5. If not already conducted, within 24 hours of this Order, Respondent shall clean, flush, and disinfect 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 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 are 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. 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 or fax immediately upon receiving the results.
11. Any time the system experiences an acute MCL, Respondent shall immediately notify EPA and issue public notice as set forth in paragraph 3 above.
12. For the total coliform sampling in paragraph 7 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.
13. By providing oral or written notification, EPA may require Respondent to increase and/or decrease total coliform sampling at any time while the Order is in effect.
14. Respondent shall take one Microscopic Particulate Analysis (MPA) sample within two weeks of the date of this Order and another MPA sample in the spring of 2009 after snowmelt has occurred. Respondent shall submit the results to EPA within 10 days of receipt.

COMPLIANCE MEASURES

15. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure compliance with the total coliform MCL. 40 C.F.R. § 141.63. The plan shall identify the cause of the positive E. coli and coliform samples mentioned above and describe efforts which Respondent will take to prevent recurrence of total coliform and E. coli positive contamination in the system.

If applicable, the plan shall include proposed system modifications, estimated costs of modifications, a schedule for completion of the project and compliance with the Order and Federal requirements. The proposed schedule shall include specific milestone dates and a final compliance date to be completed within 2 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 Respondent's 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.

16. The plan and schedule required by paragraph 15, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA. EPA may incorporate the above required plans into a new Administrative Order. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.
17. Respondent 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 by the 15th of each month.
18. Within 10 days of completion of the approved plans and schedule required in paragraph 15, Respondent shall notify EPA in writing of project completion.

**NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS
ON PUBLIC HEALTH**

19. Respondent shall notify EPA as soon as practicable, but at least within 24 hours, if 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

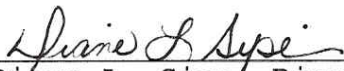
20. Respondent shall give daily updates to EPA on the progress of returning the System to compliance. Daily updates must be submitted to EPA until EPA notifies the system that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

21. All contact with EPA shall be to:

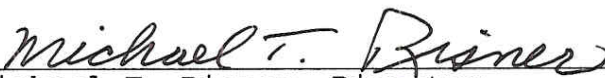
Shawn McCaffrey, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6515 or (303) 312-6515
Fax (303) 312-7202
e-mail: mccaffrey.shawn@epa.gov

22. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter.

23. Issued and effective this 7th day of NOVEMBER, 2008.



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Michael T. Risner, Director
Matthew D. Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be posted in conspicuous locations throughout the area served by the Osmond Pipeline Company Water System **and** hand delivered to persons served by that water system. 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 Item 11 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:

Coliforms are **bacteria** that are **naturally present in the environment** and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal