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June 2, 2021

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EPA Region VIII
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Valley View School District,)
)
Respondent.)
)
Valley View Elementary School)
Public Water System)
PWS ID# 083090311)

Docket No. SDWA-08-2021-0024

**EMERGENCY
ADMINISTRATIVE ORDER**

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 Valley View School District (Respondent) is a public body that owns and/or operates the Valley View Elementary School Public Water System (System), which provides piped water to the public at the Valley View Elementary School on the Flathead Reservation, Montana, for human consumption.
4. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
5. The System is supplied by a groundwater source accessed via a well (WL01). Treatment is provided by a particle filtration cartridge, an iron removal filter, and a UV lamp for disinfection. The System is operated all year-round.
6. The System has one service connection and regularly serves 37 individuals daily for at least 60 days out of the year.
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 (NPDWRs) at 40 C.F.R. part 141.

8. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order. Appropriate state and local authorities have not acted to protect health of persons in this instance. In view of the imminence of the endangerment, it has not been practicable for the EPA to consult with such authorities prior to issuing this Order.

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 May 27, 2021, the EPA was notified that a routine total coliform sample collected from the System on May 26, 2021, was analyzed as positive for total coliform. On June 1, 2021, the EPA was notified that four total coliform samples, three in the distribution and one in the cistern (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 May 28, 2021, tested positive for total coliform and the cistern sample result also was positive for *E. coli*. Investigation of the situation found that the Respondent had bypassed the UV lamp.

12. On June 1, 2021, the EPA provided Respondent with a public notice template for a boil water advisory. Respondent notified persons served by the System of the contamination on June 2, 2021.

ORDER

INTENT TO COMPLY

13. 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

14. The boil water advisory referenced in paragraph 12, above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.

15. 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

16. Using the public notice referenced paragraph 12, 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, hand washing, 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 it.

17. 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 the notification concerning an alternate water supply is available.

CORRECTIVE MEASURES

18. 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 plan shall include cleaning, inspecting, and disinfecting the cistern. 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.

19. The schedule required by paragraph 18, 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.

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

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

21. Within five days after the effective date of this Order, Respondent shall collect five "special" purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's source (at the source sample tap), Well WL01, and have them tested for *E. coli*.

22. After completing corrective actions identified in the plan and schedule and notifying EPA according to paragraph 20, above, Respondent shall disinfect and flush the rest of the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
23. Respondent shall drain, clean, inspect, disinfect and flush the cistern, then disinfect and flush the System. Beginning on the first date when no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per week day) “special” purpose (defined in 40 C.F.R. § 141.853(b)) total coliform samples from the System’s distribution system (kitchen, girl’s restroom and boy’s restroom) and the cistern 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.
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, alternating previous total coliform positive locations in the distribution).
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. § 141.854 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 requirements 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 total coliform 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:

Christina Carballal
via e-mail: carballal-broome.christina@epa.gov
Telephone (800) 227-8917, ext. 6046, or (303) 312-6046

31. This Order does not relieve Respondent from the obligation to comply with any applicable federal, tribal or local law.

32. Failure to comply with this Order may result in civil penalties of up to \$24,674 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 85 Fed. Reg. at 83821 (December 23, 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 2nd day of June 2021.

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