



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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MAY 18 2017

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Doris B. Anderson, Registered Agent
United Methodist Circle J Ranch
3338 Hwy 6
Ten Sleep, WY 82442

RE: Emergency Administrative Order under Section 1431 SDWA, Circle J Ranch Water System,
PWS ID #5601165, Docket No. **SDWA-08-2017-0017**

Dear Ms. Anderson:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the United Methodist Circle J Ranch (Circle J Ranch), under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Circle J Ranch 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 notification from Energy Laboratories Inc., that three samples from the System have been analyzed as total coliform positive and one sample from the System has also been analyzed as *E. coli* positive.

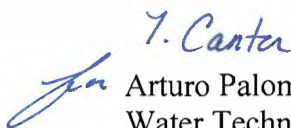
Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health.

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 Circle J Ranch to take the following actions: provide an alternate source of water; issue a boil water advisory and public notice until notified by EPA to discontinue; take any corrective actions identified in an assessment of the System; 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 this Order, please contact Jill Minter at (800) 227-8917 extension 6084 or 303-312-6084, or by email at minter.jill@epa.gov. Any questions from counsel for the Circle J Ranch should be directed to James H. Eppers, Supervisory Attorney, at the above 800 number, extension 6893, or at (303) 312-6893, or by email at eppers.jim@epa.gov.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Palomares", is written over the printed name.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

Emergency Administrative Order

cc: Ms. Sandy Slater, Manager/Operator (sandyslater@hotmail.com)
Mr. Timothy Slater, Ranch Manager (timothyslater@hotmail.com)
Mr. Mark Kami, President/Director
United Methodist Circle J Ranch

Ms. Missy Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
United Methodist Circle J Ranch,)
)
Respondent.)
_____)

Docket No. **SDWA-08-2017-0017**
EMERGENCY ADMINISTRATIVE ORDER

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AUTHORITY

1. This 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). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$22,906 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 82 Fed. Reg. 3633.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. United Methodist Circle J Ranch (Respondent) is a Wyoming corporation that owns and/or operates the Circle J Ranch Public Water System (System), which provides piped water to the public in Washakie County, Wyoming, for human consumption.
5. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. The System is supplied by a ground water source accessed via two wells with no treatment or continuous disinfection provided. The System is seasonally operated May through September.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are “public water systems” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141.
8. The System has approximately 21 service connections and/or regularly serves an average of approximately 200 individuals daily for at least 60 days out of the year. Therefore, the System is a “public water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f(4).

9. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order and to confirm that State and local governments are unable to act to protect public health in this instance.

10. 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 paragraphs 12 and 13, below. The EPA has determined that this Order is necessary to protect public health.

11. *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.

12. On May 16, 2017, Respondent notified the EPA that a routine bacteriological sample collected on May 9, 2017, was analyzed as positive for total coliform. On May 17, 2017, the Respondent was notified that all three repeat bacteriological samples, collected on May 14, 2017, tested positive for total coliform and one also tested positive for *E. coli*.

13. A violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has an *E. coli*-positive repeat sample following a routine total coliform positive sample. These circumstances have occurred at the System, as set forth in paragraph 12, above, and therefore, the Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

14. On May 16, 2017, 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 May 16, 2017.

ORDER

INTENT TO COMPLY

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

BOIL ORDER AND PUBLIC NOTICE

16. The boil order advisory referenced in paragraph 14 above shall remain in place until the EPA provides written notification to Respondent to lift the boil order. 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 required in paragraph 14 above, Respondent shall notify the public that an alternative potable water supply is available. 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. Respondent may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of the Drinking Water Regulations. Any alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until water service is restored to affected users of the System.

COMPLIANCE AND CORRECTIVE MEASURES

18. Respondent must comply with 40 C.F.R. § 141.859. This includes coordinating with a third party, approved by the EPA, to conduct a Level 2 assessment (as defined in 40 CFR § 141.2 and described further in 40 CFR part 141 subpart Y) that includes all actions required by the EPA.

19. The completed Level 2 assessment form must be submitted to the EPA within 15 days of the effective date of this Order, and must describe sanitary defects detected and corrective actions completed to address the cause of contamination.

20. Within 15 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines actions taken or to be taken that will ensure that there is no future *E. coli* contamination at the System. The plan shall identify the cause of the contamination, if possible, and describe the corrective action, including correcting sanitary defects identified in the Level 2 assessment, to prevent a recurrence of contamination in the System. If applicable, the plan shall 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 EPA's approval of the plan). The schedule must be approved by the EPA before construction or modifications may commence.

21. The schedule required by paragraph 20, 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.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after the source of *E. coli* and fecal contamination has been identified and corrective action is completed, Respondents shall disinfect and flush the System.

23. Within 24 hours after disinfecting and flushing the System as required by paragraph 22, above, Respondent shall collect consecutive daily (one sample per day) special purpose samples

(defined in 40 C.F.R. § 141.853(b)) from the System. Respondent shall ensure that each sample is analyzed for total coliform and *E.coli*.

24. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) to determine compliance with the *E.coli* MCL as stated in 40 C.F.R. § 141.860.

25. After Respondent receives written notification from the EPA that it may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.

26. Respondent shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141, including, but not limited to, the requirements in 40 § C.F.R. 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E.coli* positive, within 24 hours of being notified of the positive sample, Respondent shall consult with the EPA for further compliance requirements.

27. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to EPA by the Respondent. Additionally, Respondent shall report all sampling results to the EPA by telephone, email or fax immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.

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 weekly updates to the EPA on the progress of disinfecting and flushing the System, monitoring for total coliform, as well as scheduling Level 2 assessment with EPA-approved third party, as applicable. Updates must be submitted to the EPA until the EPA provides written notification to the Respondents that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

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

Jill Minter, 8ENF-W-SDW
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6084, or (303) 312-6084
Fax (303) 312-7518
e-mail: minter.jill@epa.gov

31. This Order does not relieve Respondent from complying with any applicable federal, state, or local law.
32. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).
33. Issued and effective this 18th day of May, 2017.

T. Cantu

for

Art Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

James H. Eppers

James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice