



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2018 AUG -9 PM 3: 13

FILED  
EPA REGION VIII  
HEARING CLERK

**AUG 09 2018**

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and via email to [jkaufman@silverstar.com](mailto:jkaufman@silverstar.com)

Mr. Barry Christiansen, President  
Alta Community Pipeline  
250 Ski Hill Road  
Alta, Wyoming 83422

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Alta Community Pipeline Public Water System, PWS ID #5600275  
Docket No. **SDWA-08-2018-0033**

Dear Mr. Christiansen:

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

The EPA has determined that conditions exist at the Alta Community Pipeline 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 notifications that following an initial total coliform and *E. coli* positive sample result, one subsequent distribution sample was positive for total coliform and *E. coli*.

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 at the System.

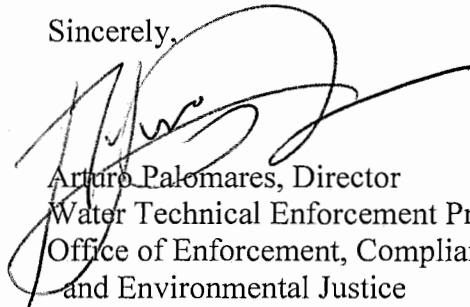
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the Respondent to, among other things, issue a boil water advisory and public notice until notified by the EPA that this is no longer needed; provide an alternate source of water to customers; submit a plan and schedule for any corrective actions identified to prevent bacteriological contamination of the System; and disinfect and flush the system. 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 Kathelene Brainich at (800) 227-8917, extension 6481, or 303-312-6481, or by email at [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov). Any questions from counsel for the Respondent should be directed to Abigail Dean, Enforcement

Attorney, at the above 800 number, extension 6106, or at (303) 312-6106, or by email at dean.abigail@epa.gov.

Thank you for your attention to this matter.

Sincerely,



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

Enclosures

cc: Warren Kaufman, Operator (via email) jkaufman@silverstar.com  
Teton County Commissioners (via email) commissioners@tetoncountywy.gov  
WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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IN THE MATTER OF )  
 )  
Alta Community Pipeline )  
(PWS ID #WY5600275) )  
 )  
Respondent. )

Docket No. SDWA-08-2018-0033

EMERGENCY  
ADMINISTRATIVE ORDER

FILED  
EPA REGION VIII  
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 officials have 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, or do not have the authority to act, to protect the health of such persons.
3. The EPA has primary enforcement responsibility for the Act's public water supply protection program in the State of Wyoming. No other governmental authority has applied for or been approved to administer the program in the State of Wyoming.

**FINDINGS**

4. Alta Community Pipeline (Respondent) owns and/or operates the Alta Community Pipeline Public Water System (System), which provides piped water to the public in Teton 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 one spring with no treatment provided. The System is operated year-round.
7. The System has 17 service connections and regularly serves 40 individuals daily for at least 60 days out of the year.
8. 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.
9. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order and with state and local authorities to confirm that because they are unable to act to protect the health of persons in this instance, they have not done so.

10. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons, based on the facts indicated in paragraphs 11 and 12, 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 August 7, 2018, the EPA was notified that a routine bacteriological sample collected from the System on August 6, 2018, was analyzed as positive for total coliform and *E. coli*. On August 8, 2018, the EPA was notified that one of three repeat bacteriological samples (see 40 C.F.R. § 141.858) collected on August 7, 2018, tested positive for total coliform and *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, Respondent violated the *E. coli* MCL. 40 C.F.R. § 141.860.

14. On August 8, 2018, 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 August 8, 2018.

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

17. 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**

18. Using the public notice referenced in paragraph 14, above, Respondent shall, no later than 24 hours after receipt of this Order, 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 at no cost to all users of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing until the System receives written notification from the EPA to discontinue. No later than five days after the effective date of this Order (see paragraph 33, below), Respondent shall provide the EPA with a copy of this notification.

### **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 actions taken 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 12, if possible, and describe the corrective action 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 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. Within five days of completing corrective action, Respondent shall notify the EPA in writing of the date corrective action was completed.

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

22. Within 24 hours after completing corrective action, Respondent shall disinfect and flush the System.

23. Within 24 hours after disinfecting and flushing the System as required by paragraph 22, above, when no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's distribution system. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory.

24. After Respondent receives written notification from the EPA that they may discontinue daily total coliform and *E. coli* sampling, Respondent must collect weekly bacteriological

samples (one sample per week) and mark them as “special purpose” samples. Respondent shall ensure that each sample is analyzed for total coliform and *E.coli*.

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(b).

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. §§ 141.402 (to collect an additional source water sample) and 141.858 (to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result). If a future repeat sample is positive for total coliform and/or *E. coli*, Respondent shall, within 24 hours of being notified of the positive sample result, consult with the EPA for appropriate responsive actions.

27. The EPA may require Respondent to increase total coliform sampling at any time while this Order is in effect.

### REPORTING

28. Respondent must give weekly updates to the EPA on the progress of scheduling a Level 2 assessment (see 40 C.F.R. §§ 141.2 and 141.851-141.861) by an EPA-approved third party, disinfecting and flushing the System, and monitoring for total coliform. Updates must be submitted to the EPA until the EPA provides written notification to the Respondent that reports may be discontinued. These reports may be submitted via phone or e-mail.

29. Any notices or reports required by this Order shall be submitted on behalf of the EPA to:

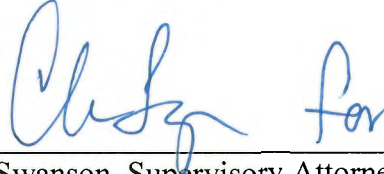
Kathelene Brainich  
via e-mail: [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov)  
Telephone (800) 227-8917, ext. 6481, or (303) 312-6481

30. This Order does not relieve Respondent from its obligation to comply with any applicable federal, state, or local law.

31. Failure to comply with this Order may result in civil penalties of up to \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (Jan. 10, 2018).

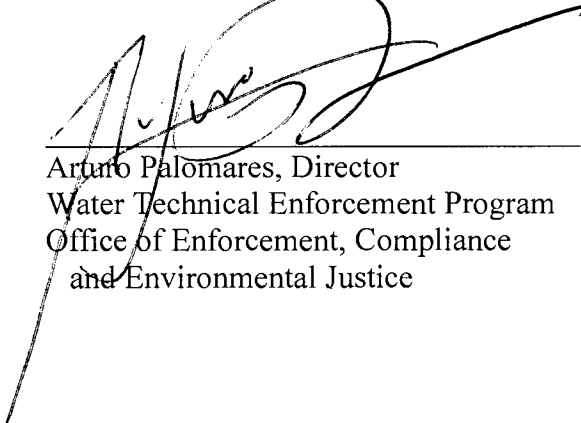
32. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

33. Issued and effective this 9<sup>th</sup> day of August, 2018.



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Amy Swanson, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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

# DRINKING WATER WARNING

water is

\_\_\_\_\_  
Name of Water System

## Contaminated with *E. coli* BOIL YOUR WATER BEFORE USING

### What should I do?

**DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for three (3) minutes, and let it cool before using *or* use bottled water. ***Boiled or bottled water*** should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.

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 of at least two liters of potable water daily per person and is available at this location: \_\_\_\_\_.

### What does this mean?

Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps and associated headaches. *E. coli* are bacteria whose presence indicates that the water may be 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. These symptoms are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

### What happened? What is being done?

Our water system detected *E. coli* bacteria in a pipe of our distribution system. As our customers, you have a right to know what happened and what we are doing to correct this situation. On (date) \_\_\_\_\_, we learned that coliform bacteria were present in at least one of our routine samples collected on (date) \_\_\_\_\_. As required by the Revised Total Coliform Rule, one of our follow-up steps was to collect repeat samples at and near the location where the positive sample was originally taken. On (date) \_\_\_\_\_, we learned that coliform bacteria were also present in at least one of our repeat samples collected on (date) \_\_\_\_\_. Our water system had a combination of routine and repeat positive samples where at least one of the positive coliform bacteria samples was also *E. coli* positive, which resulted in an *E. coli* maximum contaminant level (MCL) violation. We are now conducting additional sampling to determine the extent of the problem and are conducting a thorough investigation to determine the source of the contamination.

Corrective action being taken includes: \_\_\_\_\_  
\_\_\_\_\_

We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within \_\_\_\_\_ (estimated time frame). For more information, please contact \_\_\_\_\_ (name of contact) at \_\_\_\_\_ (phone number) or \_\_\_\_\_ (mailing address).

General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*



**ATTENTION: PWS OPERATOR/RESPONSIBLE PARTY**

Since exceeding the *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but **within 24 hours** after you learn of the violation (141.202(b)). During this same 24 hour period, you must also contact the Region 8 EPA Revised Total Coliform Rule Manager at 1-800-227-8917. You should also coordinate with your local health department. You may also have to modify this template for your particular circumstances.

You **must** use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics or apartments) since notice must be provided in a manner reasonably calculated to reach all persons served.

This notice template is appropriate for hand delivery or newspaper publication. However, you may wish to modify it before using it for a radio or TV broadcast. If you do, you must still include all required PN elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver the notice, you can print your notice on PWS letterhead.

**Corrective Action**

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with *E. coli* violations. You can use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

**After Issuing the Notice**

Please mail the statement of certification below and a copy of the printed notice and the date(s) the notice was either posted or mailed. Send this copy and certification to EPA Region 8 within ten days from the time you issue the notice (141.31(d)). Send the copy of your notice and dates to:

RTCR Manager, US EPA REGION 8, Drinking Water Program (8WP-SD)  
1595 Wynkoop Street, Denver, CO 80202-1129

You can also fax a copy to 1-877-876-9101, or email a copy to R8DWU@epa.gov. If you have questions about your Revised Total Coliform Rule violation, please call the RTCR Manager at 1-800-277-8917.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

**CERTIFICATION OF PUBLIC NOTIFICATION**

I \_\_\_\_\_ certify that the attached public notice was issued from  
(PWS Operator/Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_. The notice attached was issued by  
(Date) (Date)

\_\_\_\_\_ for the RTCR Violation that occurred on \_\_\_\_\_.

(Method of delivery – by hand, mail, etc) (Date)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Public Water System Name: \_\_\_\_\_ PWS ID Number: \_\_\_\_\_