



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING CLERK

AUG 02 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

Corporate Agent Services, LLC, Registered Agent
Corporation of the Presiding Bishop of the
Church of Jesus Christ of Latter-Day Saints
50 East North Temple
Salt Lake City, Utah 84150

Re: Emergency Administrative Order under SDWA Section 1431
MHVC Sage Campground Public Water System, PWS ID #5601559
Docket No. **SDWA-08-2017-0025**

Dear Registered Agent:

Enclosed is an Emergency Administrative Order issued by the U.S. Environmental Protection Agency to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the MHVC Sage Campground Public Water 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 *E. coli* positive sample result, four subsequent samples were 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.

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 Church to take the following actions: provide an alternate source of water; issue a boil water advisory and public notice until notified by the EPA to discontinue; submit a plan and schedule for any corrective actions identified to prevent bacteriological contamination of the system; disinfect and flush the system; and comply with seasonal start-up procedures and monitoring when the system reopens to the public. The penalties for failing to comply are set forth in the order.

If you have any questions or wish to discuss the order, please contact Kathelene Brainich at (800) 227-8917 extension 6481 or 303-312-6481, or by email at brainich.kathelene@epa.gov. Any questions from counsel for the Church should be directed to Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858, or by email at livingston.peggy@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

Enclosure

cc: Michael Kempton, Operator, MHVC Sage Campground (kemptonm@ldschurch.org)
Roy McDaniel, LDS (drinkingwater@ldschurch.org)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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2017 AUG -2 AM 8:40

IN THE MATTER OF _____)
)
Corporation of the Presiding Bishop of the)
Church of Jesus Christ of Latter-Day Saints,)
(MHVC Sage Campground))
)
Respondent. _____)

Docket No. SDWA-08-2017-0025

FILED
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**EMERGENCY
ADMINISTRATIVE ORDER**

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. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (Respondent) is a corporation that owns and/or operates the Mormon Handcart Visitor Center Sage Campground Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption. The System is on the Mormon/Oregon Trail.
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 well with no treatment provided. The System is seasonally operated only in the summer months.
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 (NPDWRs) at 40 C.F.R. part 141.
8. The System has at least one service connection. It regularly serves an average of approximately 120 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 with State and local governments to confirm that they 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 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 July 28, 2017, the EPA was notified that a routine bacteriological sample collected from the System on July 26, 2017, was analyzed as positive for total coliform and *E. coli*. On July 29, 2017, the EPA was notified that all three repeat bacteriological samples (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 July 28, 2017, tested positive for total coliform and *E. coli*.

13. In addition, 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 has violated the *E. coli* MCL. 40 C.F.R. § 141.860.

14. On July 28, 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 July 31, 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 referenced paragraph 14, above, Respondent shall notify the public that an alternative potable water supply is available at no cost to all users of the System as needed for drinking and cooking. 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 has notified the EPA that it has opted to provide an alternate water supply using water from the Sixth Crossing Ranch RV Park well 3 (EPA ID #WY5601487). If Respondent chooses a different alternative water supply, Respondent shall notify the EPA within 24 hours.

CORRECTIVE MEASURES

18. Respondent has notified the EPA that starting August 4, 2017, the System will be closed for the remainder of 2017, and that thereafter the System will not reopen until corrective actions required in paragraph 19, below, are complete.

19. Within 30 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 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.

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.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

21. Prior to re-opening the System to the public after the source of *E. coli* contamination has been identified and corrective action is completed, Respondent shall disinfect and flush the System.

22. Prior to re-opening the system, Respondent shall complete start-up procedures using a Seasonal System Checklist (available at https://www.epa.gov/sites/production/files/2014-12/documents/rtrc_seasonal_startup_checklist.pdf), take a pre-season startup total coliform sample **each day for 3 consecutive days** (marked as “special” for analysis), and submit the signed checklist and pre-season total coliform analyses to the EPA. 40 C.F.R. § 141.854(i)(1).

23. 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 and 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 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.

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

REPORTING

25. 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 subpart Y) with an EPA-approved third party. Updates must be submitted to the EPA until the assessment has been completed. These reports may be submitted via phone, fax, or e-mail.

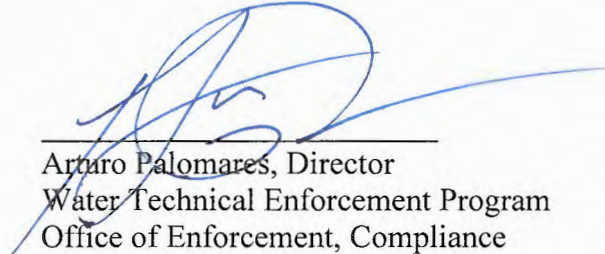
26. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Kathelene Brainich
via e-mail: brainich.kathelene@epa.gov
Telephone (800)227-8917, ext. 6481, or (303) 312-6481
Fax (303) 312-7518

27. This Order does not relieve Respondent from complying with any applicable federal, state, or local law.

28. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of the Act, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the Act, 42 U.S.C. 300j-7(a).

29. Issued and effective this 2nd day of August, 2017.



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

Margaret J. (Peay) Livingston, Acting for
James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice