



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SEP 26 2013

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rodney R. Maki, President and Registered Agent  
Wrangler Estates, Inc.  
3350 Little Powder Road  
Gillette, WY 82716

RE: Emergency Administrative Order under Section 1431 SDWA  
Docket No. **SDWA-08-2013-0064**  
Wrangler Estates Public Water System  
PWS ID #WY5601474

Dear Mr. Maki:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Wrangler Estates, Inc. (Wrangler) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Wrangler Estates Public Water System (the System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on bird feathers in the storage tank and in the System's distribution system, evidence that horses were kept inside the fence around the water facility, and the positive *E. coli* and total coliform results for a sample taken in the System's distribution system on September 17, 2013.

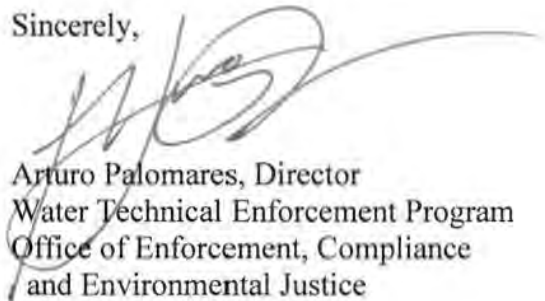
Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System based on the EPA's primary enforcement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

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, in part, that Wrangler post an advisory until notified by the EPA that it may discontinue; disinfect and flush the system, including all storage tanks in use; take additional total coliform bacteria and chlorine residual samples; and provide the EPA with a schedule for preventing future contamination, among other steps. 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 Olive Hofstader at (800) 227-8917 extension 6467 or 303-312-6467. Any questions from counsel for Wrangler should be directed to Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

Thank you for your attention to this matter.

Sincerely,



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

Enclosures

Emergency Administrative Order  
Water Advisory

cc: Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2013 SEP 26 PM 3:29

IN THE MATTER OF )  
 )  
Wrangler Estates, Inc. )  
PWS ID 5601474 )  
 )  
Respondent. )  
 )

FILED  
EPA REGION VIII  
HEARING CLERK

**EMERGENCY ADMINISTRATIVE ORDER**

**DOCKET NO. : SDWA-08-2013-0064**

**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 (the 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 \$16,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), when certain conditions exist which may present an imminent and substantial endangerment to the health of humans, and other state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. Wrangler Estates, Inc. (Respondent) is a Wyoming corporation.
5. Respondent is a "person" as that term is defined in the Act. 42 U.S.C. § 300f(2).
6. Respondent owns and/ or operates the Wrangler Estates Public Water System (System) located in Campbell County, Wyoming, which provides water to the public for human consumption.
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 at 40 C.F.R. part 141.
8. The System serves an average of 255 persons daily at least 60 days per year through 58 service connections, and is, therefore, a public water system as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4).
9. The EPA has determined that this Order is necessary to protect human health.
10. Prior to issuing this Order, the EPA consulted with the System and State and/or local governmental authorities 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.

11. 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 below.
12. On September 16, 2013, a customer whose home is served by the System reported to the EPA that bird feathers had been found in the System's distribution system, in the toilet and sprinkler system at the resident's home.
13. During an inspection of the System on September 23, 2013, by a contractor for the EPA and the Wyoming Department of Environmental Quality (WDEQ), the System's backup operator stated that on September 21, 2013, after overflowing the System's the north storage tank and draining the System's south storage tank, bird feathers had been found stuck to the interior of the System's north storage tank. During the inspection, the EPA and WDEQ contractor advised the backup operator to increase the chlorine residual in the System's water.
14. In response to the resident's complaint referenced above, a certified operator took a sample at the resident's home on September 17, 2013. The analytical results were positive for *E. coli* bacteria and for total coliform.
15. *E. coli* are bacteria whose presence indicates that the water may have been 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, some of the elderly, and people with severely compromised immune systems.
16. During a separate site visit on September 23, 2013, a Wyoming Department of Agriculture Consumer Health Services (CHS) specialist collected additional samples from the complainant's residence and the water facility. The analytical results were negative for *E. coli* and total coliform bacteria.
17. During the inspection referenced in paragraph 16, above, the CHS specialist noted that horses were being stored inside the security fencing around the storage tank in a way that could result in fecal contamination of the water supply.

**ORDER**

**INTENT TO COMPLY**

18. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

**PUBLIC NOTICE**

19. Within 24 hours of receipt of this Order, if it has not already done so, Respondent must notify the public of the situation described in this Order by distributing a water advisory. A template for the advisory is included in with this Order. Respondent shall submit a copy of the advisory to the EPA within 24 hours of its distribution. Respondent must continue providing the advisory notice until the EPA provides written notice to discontinue.

**DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS**

20. Within 48 hours of receipt of this Order, Respondent shall clean and flush the System. This shall include disinfecting the System's distribution system and each storage tank that is part of the System.

21. Within 48 hours of receipt of this Order, Respondent shall permanently remove horses from the fenced area surrounding the storage tank area.

22. Respondent shall assure that no other sources of coliform or *E. coli* contamination exist in the System.

23. Within 24 hours after flushing and disinfecting the System as required by paragraph 20, above, Respondent shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.21(a)(6)) samples from the System's distribution 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 total coliform MCL.

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. §§ 141.21.

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. § 141.21 to collect four repeat samples within 24 hours of being notified of a total coliform-positive sample result

and to collect five routine total coliform samples in the month following a total coliform-positive sample result.

27. Respondent shall continue to provide disinfection of the System's water and monitor the System's chlorine residual at the same time and same location as the total coliform samples required by paragraphs 23 - 26, above.

28. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondent shall report all sampling results to the EPA by telephone or fax immediately upon (i.e., as soon as practicable, and in no event more than 24 hours after) receiving the results.

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

#### **COMPLIANCE MEASURES**

30. Within 30 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule for having both storage tanks cleaned and inspected by a third-party company with expertise in the field. The proposed schedule shall include specific milestone dates and a final deadline (to be within 60 days of receipt of this Order) for taking actions to ensure that fecal and/or avian-related contaminants do not enter the System in the future. The schedule must be approved by the EPA before construction or modifications may commence. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) that may also be required before modifications can be made to the System.

31. The plan and schedule required by paragraph 30, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA. The EPA may incorporate the above required plans into a new administrative order. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance. Please be aware that the September 23, 2013 inspection may identify additional significant deficiencies that the System will be required to address pursuant to 40 C.F.R. part 141, subpart S.

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

32. Respondent shall notify the EPA as soon as practicable, but within 24 hours after Respondent learns of any violation or situation with the potential to have serious adverse effects on human health as a result of short term exposure to contaminants, as required by 40 C.F.R. § 141.202(b)(2). The System must comply with this regulation in any future event that may pose a threat to public health or any similar emergency situation.


### REPORTING

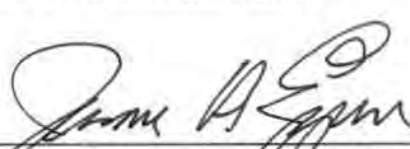
33. Respondent must give daily updates to the EPA on progress of returning the System to compliance. Daily updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.
34. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Olive Hofstader, 8ENF-W  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone (800)227-8917, ext. 6297, or (303) 312-6467  
Fax (303) 312-7518  
e-mail: [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov)

35. This Order does not relieve the Respondent from complying with any applicable federal, state, or local law.
36. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of the SDWA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).

37. Issued and effective this 26<sup>th</sup> day of September, 2013.

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

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

# DRINKING WATER ADVISORY POTENTIAL EMERGENCY SITUATION WRANGLER ESTATES

During the week of September 16, 2013, our water system had bird feathers in the North storage tank and, as reported by a resident, in the distribution system as well. Also, while not a violation of drinking water standards, a single sample taken on September 17, 2013, in the distribution system when chlorine disinfection was undetectable tested positive for E. coli bacteria (to be a violation, two or more samples must test positive for bacteria). After disinfection, follow-up samples tested negative for bacteria. Further, we have been advised by the EPA that housing horses within the fenced water facility may pose a risk of fecal contamination of the drinking water due to animal waste. As our customers, you have a right to know what happened and what we are doing to correct this situation.

## What should I do? What does this mean?

- *Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.*
- The symptoms above 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. People at increased risk should seek advice from their health care providers about drinking this water.

## What is being done?

On September 21, 2013, we overflowed the north storage tank and drained down the south storage tank. We have boosted the chlorine and will ensure there is adequate chlorine residual throughout the distribution system, permanently remove the horses from inside the fenced and gated water facility, and will have the inside of the tanks cleaned.

For more information, please contact Rodney Maki at 307-682-1598.

*Post this notice in a public place and distribute copies by hand or mail to each residence. Submit a copy of the completed and certified (below) advisory to Olive Hofstader, EPA, 1595 Wynkoop St., Denver, CO 80202 or via email [Hofstader.olive@epa.gov](mailto:Hofstader.olive@epa.gov) or fax at 303-312-7518.*

I certify that on \_\_\_\_\_ I posted the public notice and distributed a copy to each residence.  
(date)

\_\_\_\_\_  
(signature).