



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

AUG 15 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

Mr. Gregory Weisz, Registered Agent
501 Garfield St
Laramie, WY 82070

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Flying X Ranch Public Water System, PWS ID #5601104
Docket No. **SDWA-08-2017-0027**

Dear Mr. Weisz:

Enclosed is an Emergency Administrative Order issued by the U.S. Environmental Protection Agency to Flying X Ranch, Corp. and Guide Rock, Ltd. under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Flying X Ranch 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, one subsequent distribution sample and one source sample 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 System to take the following actions: provide an alternate source of water; issue a boil water advisory and public notice until notified by the EPA that this is no longer needed; 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 the order, please contact Olive Hofstader at (800) 227-8917, extension 6467, or

303-312-6467, or by email at hofstader.olive@epa.gov. Any questions from counsel for the System 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

Enclosures

cc: Mr. Ken Jones, Ranch Manager, (fxr@myfxr.com)

WY DEQ/DOH (via email)

Ms. Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
Guide Rock, Ltd. and)
Flying X Ranch, Corporation.)
)
)
)
Respondents.)

Docket No. SDWA-08-2017-0027

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HEARING CLERK

**EMERGENCY
ADMINISTRATIVE ORDER**

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency 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 (January 12, 2017).
3. The EPA may issue an order pursuant to 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 humans, and appropriate state or local authorities have not acted to protect the health of such persons.
4. Respondent Guide Rock, Ltd. is a Wyoming limited partnership.
5. Respondent Flying X Ranch Corp. is a Wyoming corporation.
6. Each Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
7. The Respondents own and/or operate the Flying X Ranch Public Water System (System), which provides piped water to the public in Albany County, Wyoming, for human consumption.
8. The System is supplied by a ground water source accessed via five wells, with no treatment provided. The System is operated seasonally from May through October.
9. The System has approximately 66 service connections. It regularly serves an average of approximately 300 individuals daily for at least 60 days out of the year.
10. 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).
11. 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 because they are unable to act to protect the health of persons in this instance, they have not done so.

12. 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 13 and 14, below. The EPA has determined that this Order is necessary to protect public health.

13. *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.

14. On August 11, 2017, the EPA was notified that a routine bacteriological sample collected from the System on August 10, 2017, had tested positive for total coliform and *E. coli*. On August 14, 2017, the EPA was notified that one repeat bacteriological sample (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 August 11, 2017, had tested positive for total coliform and *E. coli*.

15. 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 14, above, and, therefore, Respondents have violated the *E. coli* MCL. 40 C.F.R. § 141.860.

16. On August 10, 2017, the EPA provided Respondents with a public notice template for a boil water advisory. On August 10, 2017, the System notified persons served by the System of the contamination.

ORDER

INTENT TO COMPLY

17. Within 24 hours of receipt of this Order, Respondents 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 ORDER AND PUBLIC NOTICE

18. The boil order advisory referenced in paragraph 16, above, shall remain in place until the EPA provides written notification to Respondents that the boil order is no longer needed. Respondents must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.

ALTERNATE WATER SUPPLY

19. Using the public notice referenced paragraph 16, above, Respondents 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, cooking, hand washing, and oral hygiene. No later than five days after the effective date of this Order (see paragraph 34, below), Respondents shall provide the EPA with a copy of this notification. Respondents 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.

20. The System has notified the EPA that it has provided bottled water to System users. If the System chooses a different alternative water supply, Respondents shall notify the EPA within 24 hours.

CORRECTIVE MEASURES

21. Within seven days of the effective date of this Order, Respondents 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 the EPA's approval of the plan). The schedule must be approved by the EPA before construction or modifications may commence.

22. The schedule required by paragraph 21, 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

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

24. Within 24 hours after disinfecting and flushing the System as required by paragraph 23, above, Respondents shall collect consecutive daily (one sample per day) labeled as special purpose samples (defined in 40 C.F.R. § 141.853(b)) from the System. Respondents shall ensure that each sample is analyzed for total coliform and *E. coli*.

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

26. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. § 141.855.

27. Respondents 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*, Respondents 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 Respondents to increase total coliform or *E. coli* sampling at any time while this Order is in effect.

29. Respondents shall collect all bacteriological sampling at sites that are representative of water throughout the System according to the attached Sample Siting Plan. Additionally, Respondents shall report all bacteriological 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.

REPORTING

30. Respondents must provide the EPA with weekly updates on the status of corrective actions under the plan and schedule referenced in paragraph 21, above. Updates must be submitted to the EPA until the corrective action has been completed. These reports may be submitted via phone, fax, or e-mail.

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

Olive Hofstader
E-mail: Hofstader.olive@epa.gov
Telephone: (800)227-8917, ext. 6467, or (303) 312-6467
Fax: (303) 312-7518

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

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

34. Issued and effective this 15th day of August, 2017.

T. Cantu

Arturo 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

Addendum C

1 Sample per mo.	Routine Sample Location		Repeat Sample Location	GWR sample location (any sources running at the time of a routine TC+)
January	Mobile Home Park	SP05	1){same as routine location 2)474 Elk Rd. 3)442 Mule Deer Rd.	WL08
	RV Park/Cabins	SP03	1){same as routine location) 2) 447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1){same as routine location 2)Swimming Pool 3)Barn Area	WL10 WL02
February	Mobile Home Park	SP05	1){same as routine location) 2)474 Elk Rd. 3) 442 Mule Deer Rd..	WL08
	RV Park/Cabins	SP03	1){same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1){same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02
March	Mobile Home Park	SP05	1){same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.	WL08
	RV Park/Cabins	SP03	1){same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1){sames as routine location) 2)Swimming Pool 3)Barn Srea	WL10 WL02
April	Mobile Home Park	SP05	1){same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.	WL08
	RV Park/Cabins	SP03	1){same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1){same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02

Addendum C

May	Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.	WL08
	RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1)(same as routine location) 2) Swimming Pool Bard Area	WL10 WL02
	Pleasant Valley	SP06	1)(same as routine location) 2)806 High Line Rd. 3)703 High line Rd.	WL09
	Swimming Pool	SP02	1)(same as routine location) 2)Shop hydrant 3)Ranch House	WL02 WL10
	June	Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.
RV Park/Cabins		SP03	1)(same as routine location) 2)447 Elk Rd. 3) 206 Buck Rd.	WL03 WL08
Ranch House		SP01	1)(same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02
Pleasant Valley		SP06	1)(same as routine location) 2)806 High Line Rd. 3)703 High Line rd.	WL09
Swimming Pool		SP02	1)(same as routine location) 2)Shop Hydrant 3)Ranch House	WL02 WL10
July		Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3) 442 Mule Deer Rd.
	RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1)(same as routine location) 2) Swimming Pool 3) Barn Area	WL10 WL02
	Pleasant Valley	SP06	1)(same as routine location) 2)806 High Line Rd. 3)703 High line Rd.	WL09
	Swimming Pool	SP02	1)(same as routine location) 2)Shop Hydrant 3)Ranch House	WL02 WL10

Addendum C

August	Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Road	WL08
	RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1)(same as routine location) 2)Swimming Pool 3) Barn Area	WL10 WL02
	Pleasant Valley	SP06	1)(same as routine location) 2)806 High Line Rd. 3)703 High Line Rd.	WL09
	Swimming Pool	SP02	1)(same as routine location) 2)Shop Hydrant 3)Ranch House	WL02 WL10
	September	Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.
	RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck road 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1)(same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02
	Pleasant Valley	SP06	1)(same as routine location) 2)806 High Line Rd. 3)703 high line Rd.	WL09
	Swimming Pool	SP02	1)(same as routine location) 2)Shop Hydrant 3)Ranch House	WL02 WL10
October	Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Road Rd.	WL08
	RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
	Ranch House	SP01	1)(same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02

Addendum C

November Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer Rd.	WL08
RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck rd. 3)206 Buck Rd.	WL03 WL08
Ranch House	SP01	1)(same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02

December Mobile Home Park	SP05	1)(same as routine location) 2)474 Elk Rd. 3)442 Mule Deer road	WL08
RV Park/Cabins	SP03	1)(same as routine location) 2)447 Buck Rd. 3)206 Buck Rd.	WL03 WL08
Ranch House	SP01	1)(same as routine location) 2)Swimming Pool 3)Barn Area	WL10 WL02