



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2016 JUN -8 PM 3: 05

JUN 08 2016

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James E. Greer
Y-O Investment, INC.
21 Main Drive
Wheatland, Wyoming 82201

RE: Emergency Administrative Order under Section 1431 SDWA, Y-O Investments Public Water System, PWS ID #WY5600777, Docket No. SDWA- **08-2016-0010**

Dear Mr. Greer:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Y-O Investment, INC. (Y-O) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Y-O Investments 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 notification from the System's operator of a loss of pressure in the distribution system.

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: provide an alternate source of water; issue a Boil Order and public notice until notified by EPA to discontinue; disinfect and flush the storage tank and distribution system; and, take additional total coliform bacteria samples, 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 Metea Wright at (800) 227-8917 extension 6023 or 303-312-6023. Any questions from counsel for the Y-O should be directed to Jim Eppers, Enforcement Attorney, at the above 800 number, extension 6893, or at (303) 312-6893.



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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
Boil Order Template

cc: Missy Haniewicz, EPA Regional Hearing Clerk
Janice Smith, Manager (via email) jksmith96@me.com
WY DEQ/DOH



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
Y-O Investments, INC.)
PWS ID 5600777)
)
Respondent.)
_____)

Docket No. ~~SDWA-08-2016-0010~~ **FILED**
EPA REGION VIII
HEARING CLERK
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 (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 \$21,500 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. The Y-O Investments, INC. (Respondent) is a public body created by or pursuant to Wyoming law.
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 Y-O Investments Public Water System (System) located in Platte 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 (NPDWR) at 40 C.F.R. part 141.
8. The System has approximately 60 service connections and regularly serves an average of approximately 180 year round residents. The System 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. During the weekend of June 3-5, 2016, the System experienced a loss of pressure in the distribution system and on June 7, 2016, the distribution system was experiencing inconsistent pressure. During this time, the water pump stopped working and the System was reported to be losing approximately 65-85 thousand gallons of water per day. As of June 8, 2016, the pressure has been restored to 60 psi and the pump is repaired but the system is currently utilizing only one of its two wells. Well # 1 is not operating properly. Additionally, the System has not identified the cause of the pressure loss and the water loss and therefore the EPA cannot confirm that the pressure will be consistently maintained.
13. Respondent notified the EPA on June 7, 2016, of the loss of pressure.
14. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter a distribution system.
15. On June 7, 2016, the EPA provided Respondent with a template for a boil water advisory.

ORDER

INTENT TO COMPLY

16. 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.

BOIL ORDER AND PUBLIC NOTICE

17. Within 24 hours of receipt of this Order, Respondent shall provide information to the public of the situation described in this Order in the affected area and notify the public that a boil water advisory is in effect for the System. The boil water advisory will continue until the System is confident that pressure will be maintained and monitoring of the water is conducted. Respondent shall submit a copy of the boil water notice to EPA within 24 hours of its distribution. Respondent shall continue providing the public notice until EPA provides written notice that public notice may be discontinued.

ALTERNATE WATER SUPPLY

18. Within 24 hours of receipt of this Order, Respondent shall notify the public that an alternate 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 NPDRWs. In that case, the 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.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

19. Within 48 hours of restoring consistent and reliable pressure in the distribution system, Respondent shall properly disinfect and flush the System's storage tank and distribution system, following the guidance that will be emailed to Respondent by Metea Wright of EPA Region 8 by June 8, 2016.

20. Within 24 hours after flushing and disinfecting the System as required by paragraph 19, 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*.

21. 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 maximum contaminant level as stated in 40 C.F.R. § 141.860.

22. 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.

23. If the System continuously disinfects, Respondent shall monitor and report the System's chlorine residual at the same time and same location as all special and routine total coliform samples.

24. 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 three repeat samples within 24 hours of being notified of a total coliform-positive sample result. 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. Depending on the results of the bacteriological monitoring, Respondent may be required to conduct a Level 1 or Level 2 assessment.

25. 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.
26. The EPA may require Respondent to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

CORRECTIVE MEASURES

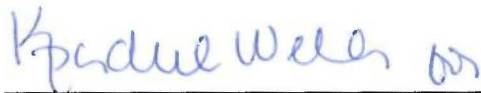
27. Within 14 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines actions taken or to be taken that will ensure that there is no future loss of pressure to the system. The plan shall identify the cause of the pressure loss, if possible, and describe efforts that Respondent will take to restore pressure to the System and prevent a recurrence of pressure loss 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. 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.
28. The schedule required by paragraph 27, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. The EPA may incorporate the above required schedule into a new administrative order. If implementation of the plan fails to correct and/or prevent pressure loss, the EPA may order further steps.

REPORTING

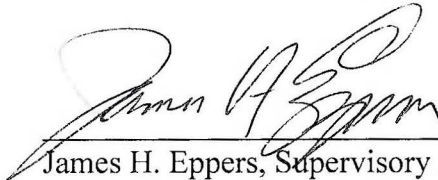
29. Respondent must give weekly updates to the EPA on progress of its corrective actions. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.
30. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Metea Wright, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6023, or (303) 312-6023
Fax (303) 312-7518
e-mail: wright.metea@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 the SDWA, 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 8th day of June, 2016.



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 WARNING

Loss of pressure

Y-O Investments Public Water System

BOIL YOUR WATER BEFORE USING

The Y-O Investments Public Water System experienced a pressure loss in the distribution system on the weekend of June 3-5, 2016 and on June 7, 2016, the distribution system is experiencing inconstant pressure. The loss of pressure is currently being investigated. This loss of pressure in the distribution system, which may cause backpressure, backsiphonage, or a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Such a system failure carries with it a high potential that fecal contamination or other disease-causing organisms could enter the distribution system. These conditions may pose an imminent and substantial health endangerment to persons served by the system. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

What should I do? What does this mean?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for three 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.
- **Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, 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?

We will inform you when tests show no bacteria and you no longer need to boil your water.

For more information, please contact _____ at _____. 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.

Date distributed _____ Name and signature _____

ATTENTION: PWS Operator/Responsible Party

You must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation or loss of pressure (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. This public notice shall be posted in conspicuous locations throughout the area served by the water system and hand delivered to persons served by the water system. Also, you should use radio or television to deliver the notice to consumers

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

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

Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the your primacy agency within the time frame required, but no later than ten days from the time you issue the notice (141.31(d)).

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. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

US EPA Region 8
Metea Wright, mailcode: 8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____