



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2016 NOV -4 PM 4:59

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 04 2016

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

RE: Emergency Administrative Order under SDWA Section 1431, Alta Community Pipeline
Public Water System, PWS ID #5600275, Docket No. SDWA-08-2017-0004

Dear Mr. Christiansen:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Alta Community Pipeline, under section 1431 of the Safe Drinking Water Act (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 notification from the Teton County Lab that two samples from the System's spring source have been analyzed as *E. coli* positive.


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. The Order requires, in part, that the System: provide an alternate source of water; issue a Boil Order and public notice until notified by EPA to discontinue; and, make any needed corrective actions needed to ensure a safe water supply. The penalties for failing to comply are set forth in the Order. The EPA's approval of the Respondent's timetable for any corrective actions does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages the Respondent to contact any such governmental agency or agencies regarding any applicable approval requirements.

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, or by email at hofstader.olive@epa.gov. Any questions from counsel for Alta Community Pipeline should be directed to Mia Bearley, Enforcement Attorney, at the above 800 number, extension 6554, or at (303) 312-6554, or by email at bearley.mia@epa.gov.

Thank you for your attention to this matter.

Sincerely,


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

Enclosure

Emergency Administrative Order

cc: Missy Haniewicz, EPA Regional Hearing Clerk

Mr. Warren Kaufman, Operator (via fax)
WY DEQ/DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2016 NOV -4 PM 4: 59

IN THE MATTER OF)
)
Alta Community Pipeline,)
)
Respondent.)
_____)

Docket No. SDWA-08-2017-0004

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. Failure to comply with this Order may result in civil penalties of up to \$22,537 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 81 Fed. Reg. 43091-43096 (July 1, 2016).
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. Respondent owns and/or operates the Alta Community Pipeline Public Water System (System) located in Teton County, Wyoming. The System provides water to the public for human consumption through pipes or other constructed conveyances.
5. The System is supplied by a ground water source accessed via a spring with no treatment or continuous disinfection provided.
6. The System has approximately 17 service connections and/or regularly serves approximately 40 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a “community water system” as defined in 40 C.F.R. § 141.2.
7. Prior to issuing this Order, the EPA consulted with the System 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.
8. 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 paragraph 9, below. The EPA has determined that this Order is necessary to protect public health.

9. *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.

10. On November 3, 2016, Respondent notified the EPA that a bacteriological source sample collected on November 2, 2016, was analyzed as positive for *E. coli*. On November 4, 2016, the Respondent was notified that a repeat bacteriological source sample, collected on November 3, 2016, tested positive for *E. coli* bacteria.

11. On November 4, 2016, the EPA provided Respondent with a public notice template for a boil water advisory, and Respondent distributed the boil water advisory on November 4, 2016. Additionally, Respondent verbally notified residents to boil water due to *E. coli* contamination on November 3, 2016.

ORDER

INTENT TO COMPLY

12. 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 to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

13. The boil order advisory referenced in paragraph 11 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

14. Respondent shall notify the residents 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 until Respondent receives written notification from the EPA that it may discontinue providing an alternate water supply. 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 Drinking Water Regulations. Any 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.

COMPLIANCE AND CORRECTIVE MEASURES

15. Respondent must comply with 40 C.F.R. § 141.859. This includes coordinating with a third party, approved by the EPA, to conduct a Level 2 assessment (as defined in 40 CFR § 141.2 and described further in 40 CFR part 141 subpart Y) that includes all actions required by the EPA.
16. A completed Level 2 assessment form must describe sanitary defects detected and corrective actions to be completed to address the likely cause of contamination. If sanitary defects are detected, corrective actions must be completed within 15 days, or pursuant to a schedule approved by the EPA. If a schedule is necessary, the proposed schedule shall include specific milestone dates and a final completion date. The schedule must be approved by the EPA before construction or modifications may commence.
17. The schedule required by paragraph 16, 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 *E. coli* contamination, the EPA may order further steps.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

18. Within 24 hours after the source of *E. coli* has been identified and corrective action is completed, Respondent shall flush and disinfect the System.
19. Within 24 hours after flushing and disinfecting the System as required by paragraph 18, above, Respondent shall collect consecutive daily (one sample per day) special purpose bacteriological samples (defined in 40 C.F.R. § 141.853(b) from the System. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli*.
20. After Respondent receives written notification from the EPA that they may discontinue daily total coliform sampling, Respondent must collect weekly special purpose bacteriological samples (one sample per week) to determine compliance with the *E. coli* MCL as stated in 40 C.F.R. § 141.63.
21. If any daily or weekly special purpose bacteriological samples are positive for *E. coli*, temporary disinfection may be required. The EPA will notify the Respondent in writing if temporary disinfection is required.
22. Respondent must coordinate with the EPA to schedule and complete a Microscopic Particulate Analysis (MPA) to identify any influence of surface water on the spring. Weekly total coliform monitoring will continue until MPA results are evaluated by the EPA.

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

24. Respondent shall report all 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.

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

REPORTING

26. Respondent must give daily updates to the EPA on progress of corrective actions, special purpose monitoring, and scheduling the MPA assessment with an EPA-approved third party, as applicable. 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, fax, or e-mail.

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

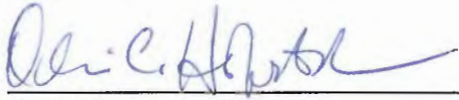
Olive Hofstader, 8ENF-SDW
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800) 227-8917, ext. 6467, or (303) 312-6467
Fax (303) 312-7518
e-mail: hofstader.olive@epa.gov


Emergency Administrative Order
Alta Community Pipeline Public Water System
Page 5 of 5

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

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

30. Issued and effective this 4th day of November, 2016.


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


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