



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher T. Davenport, Registered Agent
P.O. Box 214
Moose, Wyoming 83012

RE: Emergency Administrative Order under Section 1431 SDWA, Moose Head Ranch Public Water System, PWS ID #5600495, Docket No. SDWA- **08-2016-0012**

Dear Mr. Davenport:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Moose Head Ranch, Inc., under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Moose Head Ranch 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 four samples from the System 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 to ensure that the people served by the System are provided with safe drinking water. 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; disinfect and flush the distribution system; and, take additional total coliform bacteria samples. 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 Moose Head Ranch, Inc. 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,

A handwritten signature in blue ink that reads "Arturo Palomares" followed by a small circular mark.

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

Ms. Louise Davenport, Owner (via email)

Mr. Edward Edmiston, Ranch Manager (via email)

WY DEQ/DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
Moose Head Ranch, Inc.)
PWS ID 5600495)
)
Respondent.)
_____)

Docket No. : SDWA-08-2016-0012

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 \$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 Moose Head Ranch, Inc. (Respondent) is a company and therefore a “person” as that term is defined in the Act. 42 U.S.C. § 300f (12).
5. Respondent owns and/or operates the Moose Head Ranch Public Water System (System) located in Teton County, Wyoming, which provides water to the public for human consumption.
6. The System is supplied by a ground water source accessed via 4 wells with no treatment or continuous disinfection provided.
7. The System has approximately 23 service connections and/or regularly serves an average of approximately 80 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 “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
8. 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.
9. 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. The EPA has determined that this Order is necessary to protect public health.

10. *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.

11. On June 28, 2016, Respondent notified EPA that one routine bacteriological sample was analyzed as positive for total coliform and *E. coli*. On June 29, 2016, the System was notified that repeat bacteriological samples collected at the south well (well #4) which serves two cabins (affected area) in the public water system tested positive for total coliform and *E. coli* bacteria.

12. A system is in violation of the maximum contaminant level (MCL) for *E. coli* when the system has an *E. coli* repeat sample following a total coliform positive routine sample, or when the system has a total coliform positive repeat sample following an *E. coli* positive routine sample. Both of these circumstances have occurred at the System, as set forth in paragraph 11, and, therefore, the System is in violation of the *E. coli* MCL. 40 C.F.R. § 141.860.

13. The EPA has been advised that the System notified guests served by the affected distribution system of the contamination on June 28, 2016. On June 29, 2016, the EPA provided the Respondent with a public notice template for a boil water advisory.

14. On June 29, 2016, Respondent notified EPA that one of four guests served by the affected distribution system reported symptoms of waterborne illness.

ORDER

INTENT TO COMPLY

15. 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

16. Upon receipt of this Order, Respondent shall notify the public of the problem described in this Order in the affected area and distribute a boil water advisory. Directions on the required content for the public notice and advisory are included in the public notice template sent to Respondent via email on June 29, 2016. Respondent shall submit a copy of the notice to the EPA within 24 hours of its distribution. Respondent shall continue the public notice until the EPA provides written notification to discontinue public notice. Respondent must carry out the public notice and other notice requirements that the EPA directs.

ALTERNATE WATER SUPPLY

17. Using the public notice required in paragraph 16 above, 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 affected part of 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 affected part 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

18. Respondent shall flush and disinfect the affected part of the System, including disinfection of the distribution 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 samples (defined in 40 C.F.R. § 141.853(b)) from the System's distribution 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 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.

21. 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. § 141.854(f).

22. 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. 141.858 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.

23. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the distribution system according to the Sample Siting Plan submitted to EPA by the Respondent. Additionally, 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.

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

COMPLIANCE MEASURES

25. The system must comply with any expedited actions or additional actions required by EPA in the case of an *E. coli* MCL violation as stated in 40 C.F.R. § 141.859. As soon as practical, Respondent shall coordinate with a third party, approved by the EPA, to conduct a Level 2 assessment that includes all actions required by the EPA. The Level 2 assessment form must be submitted to EPA within 15 days and must describe sanitary defects detected and corrective actions completed to address the cause of contamination. If corrective action will take longer than 15 days to complete, the System must consult with the EPA and submit a timetable to be approved by the EPA. Corrective action of sanitary defects requiring consultation must be completed no later than the EPA-approved timetable. The System must notify the EPA when each schedule correction is completed.

REPORTING

26. Respondent must give daily updates to the EPA on progress of flushing and disinfecting the distribution system, monitoring for total coliform, as well as scheduling Level 2 assessment with EPA-approved third party. Updates must be submitted to the EPA until the EPA provides written notification to the System 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-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6084, or (303) 312-6467
Fax (303) 312-7518
e-mail: hofstader.olive@epa.gov

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 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).

30. Issued and effective this 1st day of July, 2016.

Art Palomares

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

David Roll for JHE

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