



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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**JUL 31 2018**

Ref: 8ENF-W-SDW

SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and VIA EMAIL at [roy.brown@northernarapaho.org](mailto:roy.brown@northernarapaho.org)

The Honorable Roy Brown, Chairman  
Arapaho Tribe of the Wind River Reservation  
P.O. Box 396  
Ft. Washakie, Wyoming 82514-0217

Mr. Michael Quiver, Director  
Northern Arapaho Water and Sewer Department  
98 Gas Hills Road  
Riverton, Wyoming 82501

Re: Emergency Administrative Order, Ethete Public Water System,  
PWS ID #085690002, Docket No. **SDWA-08-2018-0031**

Dear Chairman Brown and Mr. Quiver:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Arapaho Tribe of the Wind River Reservation and the Northern Arapaho Water and Sewer Department (Respondents) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Ethete 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 information from the Director of the Northern Arapaho Water and Sewer Department on July 30, 2018, that the System lost pressure due to a water line break.

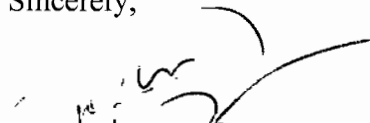
Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System.

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 Respondents to, among other things, provide an alternate source of water to customers; issue a boil water advisory and public notice until notified by the EPA to discontinue; confirm the water line has been repaired or replaced and the distribution system has been disinfected and flushed; and take additional total coliform bacteria samples. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Jill Minter at (800) 227-8917 extension 6084 or (303) 312-6084, or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov). Any questions from counsel for the Respondents should be directed to Abigail Dean, Enforcement Attorney, at the above 800 number, extension 6106, or at (303) 312-6106, or by email at [dean.abigail@epa.gov](mailto:dean.abigail@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

1. Emergency Administrative Order
2. Boil Order Advisory

electronic cc:

Mike Quiver, Director, NAT Water and Sewer Department, ([mike.jquiver@gmail.com](mailto:mike.jquiver@gmail.com) )  
Dean Goggles, Environmental Director, Arapaho Tribe, ([dean.goggles@northernarapaho.org](mailto:dean.goggles@northernarapaho.org))  
Burnett Whiteplum, Administrative Contact, ([whiteplume@wyoming.com](mailto:whiteplume@wyoming.com))  
Jim White, Indian Health Service ([jim.white@ihs.gov](mailto:jim.white@ihs.gov))  
James Courtney, Indian Health Service ([James.Courtney@ihs.gov](mailto:James.Courtney@ihs.gov))

Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Arapaho Tribe of the Wind River )  
Reservation and Northern Arapaho )  
Water and Sewer Department )  
 ) EMERGENCY ADMINISTRATIVE ORDER  
(Ethete Public Water System) )  
PWS ID # 085690002, ) Docket No. **SDWA-08-2018-0031**  
 )  
\_\_\_\_\_  
Respondents. )

**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 \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Wind River Reservation (Reservation). No other governmental authority has applied for or been approved to administer the program on the Reservation.
5. The Arapaho Tribe of the Wind River Reservation (Tribe) is a federally recognized tribe and a "person" as that term is defined in the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2, for the purposes of federal enforcement under the Act.
6. The Northern Arapaho Water and Sewer Department is an organization authorized under the laws of the Tribe to provide water and wastewater services to predominantly tribal communities. Respondent is a "municipality" and "person" as those terms are defined in the Act. 42 U.S.C. § 300f(10) and § 300f(12), respectively.
7. The Tribe and the Northern Arapaho Water and Sewer Department (Respondents) own and/or operate the Ethete Public Water System (System) located in Ethete, Wyoming. The System provides water to the public for human consumption through pipes or other constructed conveyances.

8. 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.

9. The System has approximately 382 service connections used by year-round residents and/or regularly serves an average of approximately 1800 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

10. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order and to confirm that the Tribe is 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 persons, based on the facts indicated below. The EPA has determined that this Order is necessary to protect human health.

12. On July 30, 2018, an individual with Wyoming Homeland Security notified the Wyoming State Epidemiologist the System was out of water due to a line break. The Wyoming State Epidemiologist emailed the EPA. The EPA contacted Respondents and was informed only part of the System lost pressure due to a water line break. The EPA was also notified the line was subsequently repaired, and the System was disinfected and flushed.

13. 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 for fecal contamination or other disease-causing organisms to enter a distribution system.

14. On July 30, 2018, the EPA provided Respondents with a template for a boil water advisory. The EPA has been advised that Respondents issued an advisory and are providing bottled water to the System’s customers.

### **ORDER**

### **INTENT TO COMPLY**

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

### **ALTERNATE WATER SUPPLY**

16. Upon receipt of this Order, Respondents shall notify the public that an alternate potable water supply is available. 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. Respondents 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 NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until the System receives written notification from the EPA to discontinue.

17. Respondents must provide daily updates to the EPA on the status of the availability of the alternate water supply cited in paragraph 16, above, until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone or e-mail.

### **BOIL ORDER AND PUBLIC NOTICE**

18. Upon receipt of this Order, Respondents shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect until the EPA provides written notice that public notice may be discontinued.

### **CORRECTIVE MEASURES**

19. Within 24 hours of receipt of this Order, Respondents shall provide the EPA with written verification that the water line has been repaired and/or replaced.

20. The EPA may require additional corrective measures based on the information provided by the Respondents pursuant to paragraph 19 above.

### **DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS**

21. Within 24 hours of receipt of this Order, Respondents shall provide the EPA with written verification that the System's distribution system pressure has returned to normal, and the distribution system has been properly disinfected and flushed.

22. Following flushing and disinfection of the System as required by paragraph 21, above, Respondents shall monitor the chlorine residual daily in the distribution system. When chlorine residual is detected at normal operational levels, Respondents shall collect consecutive daily (one sample per day) samples from the System and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory.

23. After Respondents receive written notification from the EPA that they may discontinue daily total coliform sampling, Respondents must collect weekly bacteriological samples (one sample per week) and mark them as “special purpose” samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E. coli*.
24. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.
25. 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. § 141.858 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 repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondents shall consult with the EPA for further compliance requirements.
26. Respondents shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by the Respondents. Additionally, Respondents shall report all sampling results to the EPA by telephone or email immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.
27. The EPA may require Respondents to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

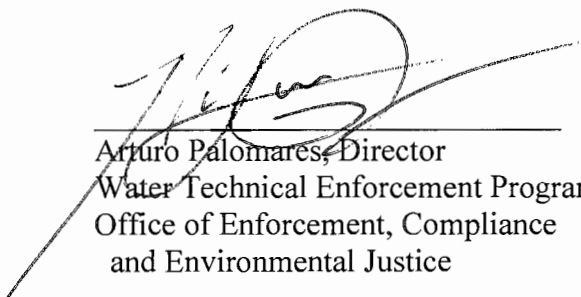
### **REPORTING**

28. Respondents must give weekly updates to the EPA on the progress of repairing or replacing the water line, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. 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 or e-mail.
29. Any notices or reports required by this Order shall be submitted on behalf of the EPA to:  
  
Jill Minter at (800) 227-8917, ext. 6084, or (303) 312-6084, by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov)
30. This Order does not relieve Respondents from complying with any applicable federal, tribal, state, or local law.

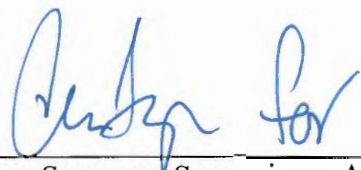
Emergency Administrative Order  
Northern Arapaho Tribe Water and Sewer Department and  
Northern Arapaho Tribe of the Wind River Reservation  
Ethete Public Water System  
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31. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a).

32. Issued and effective this 31st day of July, 2018.



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



Amy Swanson, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

# DRINKING WATER WARNING

\_\_\_\_\_ water system lost pressure in the distribution system

## BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The \_\_\_\_\_ water system was shut down on \_\_\_\_\_ due to \_\_\_\_\_. This led to a 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.

### What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a rolling boil for at least (3) 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. **ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.**
- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms 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 about drinking water from their health care providers.

### What happened? What is being done?

**[Give a description of what is being done, where consumers may get an alternate source of water, etc.]**

We will inform you when you no longer need to boil your water. For more information, please contact [name of contact] at [phone number] or [mailing address].

*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.*

This notice is being sent to you by \_\_\_\_\_

Water System ID#: \_\_\_\_\_

Date distributed: \_\_\_\_\_



**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  
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 \_\_\_\_\_