



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2018 JUL 12 PM 3:31

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EPA REGION VIII
HEARING CLERK

JUL 12 2018

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Tex Frazier, Mayor
Town of Pavillion
PO Box 278
Pavillion, Wyoming 82523

RE: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act, Town of Pavillion Public Water System, PWS ID #WY5600039,
Docket No. SDWA-08-2018-0023

Dear Mayor Frazier:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency to the Town of Pavillion, under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

The EPA has determined that conditions exist at the Town of Pavillion 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 notifications that during a scheduled tank inspection, dead birds were found in a finished water storage tank.

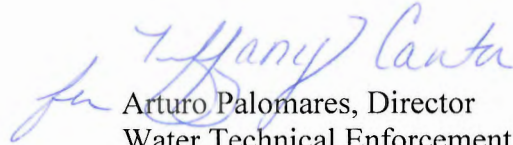
Pursuant to the authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. The Order and its requirements are necessary to ensure adequate protection of public health.

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 Town of Pavillion to take the following actions: issue a boil order advisory notice until notified by the EPA to discontinue; provide an alternate supply of water; disinfect the distribution system; submit a plan and schedule for any corrective actions identified to prevent future contamination of the System; clean the tank; and collect "special purpose" samples.

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 Town of Pavillion should be directed to Peggy Livingston, Enforcement Attorney, at (800) 227-8917, 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

Enclosure

cc: Mr. Charlie Stickney (via email)
WY DEQ/DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
Town of Pavillion, Wyoming)
WY5600039)
)
Respondent.)

Docket No. SDWA-08-2018-0023
EMERGENCY ADMINISTRATIVE ORDER

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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 \$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 humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.

FINDINGS

4. The Town of Pavillion, (Respondent) is a municipality that owns and/or operates the Town of Pavillion Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
5. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. The System is supplied by a ground water source accessed via 5 wells. The water is disinfected with chlorine.
7. The System has 124 service connections and regularly serves 240 individuals year-round.
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 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), and, therefore, is subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. part 141.

10. Prior to issuing this Order, the EPA consulted with the System to confirm the facts stated in this Order and with appropriate State and local authorities to confirm they are not acting to address the situation described in this Order.

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 in paragraphs 12, below. The EPA has determined that this Order is necessary to protect public health.

12. On July 10, 2018, the EPA was notified that multiple bird carcasses were found in the Storage Tank #1 during a scheduled tank inspection and cleaning. The System identified an unscreened air vent as the most likely contamination route.

13. On July 12, 2018, the EPA provided Respondent with a public notice template for a boil water advisory.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intent 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

15. The boil order advisory referenced in paragraph 13 above shall be issued and 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

16. Using the public notice required in paragraph 15 above, Respondent shall notify the public that an alternative 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 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 the EPA notifies Respondent that an alternate water supply is no longer needed.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Upon receipt of this Order, Respondent shall maintain a minimum chlorine residual of 0.8 mg/L in the distribution system.
18. Respondent 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)). Respondent shall ensure that each sample is analyzed for total coliform and *E.coli*.
19. Respondent shall record the chlorine residual of each special purpose sample collected.
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). 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 weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.
22. The EPA may require Respondent to increase total coliform sampling at any time while this Order is in effect.

CORRECTIVE MEASURES

23. If the storage tank can be bypassed without losing pressure, Respondent shall drain, clean and disinfect Storage Tank #1, following American Water Works Association guidance.
24. If the storage tank cannot be bypassed without losing pressure, Respondent shall have divers clean the walls and floor, and disinfect Storage Tank #1, following American Water Works Association guidance.
25. Within 7 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 to repair Storage Tank #1 and to prevent recurrence of avian-related 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 1 month from the date of the EPA's approval of a schedule). The schedule must be approved by the EPA before construction or modifications may commence.
26. The plan and schedule required by paragraph 25, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps.

27. Within 5 days of completing corrective action, Respondent shall notify the EPA in writing of the date corrective action was completed.
28. EPA may require additional corrective measures based on findings of the tank cleaning and inspection report.

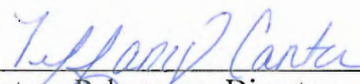
REPORTING

29. Respondent must give weekly updates to the EPA on the progress of disinfecting the System and monitoring for total coliform. 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 or e-mail.
30. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

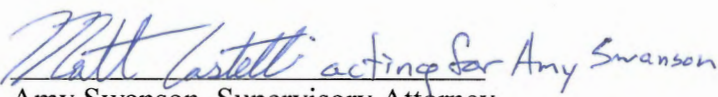
Olive Hofstader
Telephone (800)227-8917, ext. 6467, or (303) 312-6467
e-mail: hofstader.olive@epa.gov

31. This Order does not relieve Respondent from obligation to comply with any applicable federal, state, or local law.
32. 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).

Issued and effective this 12th 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