



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region080>

AUG 21 2007

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

National Park Service  
U.S. Department of the Interior  
Grand Teton National Park  
Attn: Mary Gibson Scott, Superintendent  
P.O. Drawer 170  
Moose, WY 83012

RE: Emergency Administrative  
Order under Section 1431 SDWA  
Docket No. **SDWA-08-2007-0071**  
Triangle X Ranch, PWS ID #5680110

Dear Superintendent Scott:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. This Order is based on high turbidity samples collected from the Triangle X Ranch during August 18-19, 2007. The water system may pose an imminent and substantial health endangerment to persons served by the system.

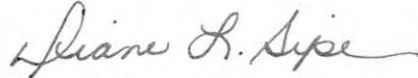
Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions it finds necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in the State of Wyoming.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the water supply are provided with safe drinking water. The Order requires, in part, that the system issue a Boil Order and public notice until notified by EPA to discontinue, provide alternate water, and submit a plan for long-term compliance. 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 Kathelene Brainich at (800) 227-8917 X6841 or 303-312-6841. If you are represented by an attorney, please feel free

to ask your attorney to call Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312- 6858.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosure

cc: Mary Bomar, Director. NPS  
Michael Machupa, NPS  
WY DOH & DEQ (via email)  
Teton County Commissioners (FYI only)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
National Park Service )  
U.S. Department of the Interior )  
 )  
Respondent )  
 )  
Grand Teton National Park )  
Triangle X Ranch )  
Moose, Wyoming )  
PWS ID #: 5680110 )  
 )  
Proceedings under section 1431 )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

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EPA REGION VIII  
HEARING CLERK

EMERGENCY  
ADMINISTRATIVE  
ORDER

Docket No. **SDWA-08-2007-0071**

STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

JURISDICTION

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
2. EPA has primary enforcement responsibility for the Act in the State of Wyoming.

FINDINGS

1. The National Park Service, United States Department of the Interior (“Respondent”) is a Federal Agency and is therefore a “person” within the

meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.

2. Respondent owns and/or operates the Grand Teton National Park Triangle X Ranch Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141 and section 1431 of the Act, 42 U.S.C. § 300i.
5. According to a May 8, 2003, sanitary survey conducted by an agent for EPA, the System is supplied by a spring determined to be groundwater under the direct influence of surface water, and is treated by alternative (cartridge) filtration and disinfection. The System serves an average daily population of 25 people through 14 service connections and is open all year.

6. EPA has determined, based on the turbidity level of samples of filtered water taken on August 18 and 19, 2007, that were above the maximum limit of 5 Nephelometric Turbidity Units (NTU), established by 40 C.F.R. §§ 141.73(d) and 141.551(b) for alternative filtration., that the filtered water currently available to the System may present an imminent and substantial endangerment to the health of persons. Specifically, the filtered water contained in the storage tank water is the primary concern at this time, since the turbidity of the spring source water has decreased with the passing of the storm event, and the cartridge filtration system now appears to be able to adequately treat the spring water.
7. The State of Wyoming has not acted to protect public health because it is not authorized to do so under the Act.
8. Local authorities have not acted to protect public health because they are not authorized to do so under the Safe Drinking Water Act.
9. Prior to issuing this Order, EPA consulted with the State and local authorities in order to confirm the correctness of the information on which this action is based and ascertained that to date, the authorities have not taken any action with regard to this matter.
10. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in Wyoming.

EMERGENCY ADMINISTRATIVE ORDER

Based on the forgoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

**A. INTENT TO COMPLY**

Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order. The written response shall include a general plan for compliance with each of the elements of this Order.

**B. BOIL ORDER AND PUBLIC NOTICE**

1. Respondent shall provide public notice as set forth in this Order. No later than 24 hours after the date of this Order, Respondent shall provide a notice to the public of the conditions which resulted in a potential threat to public health. 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 System. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice.

The public notice shall include the following information:

- a. All requirements as specified in 40 C.F.R. § 141.205 including:
  - (1) A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
  - (2) When the violation or situation occurred;
  - (3) Any potential adverse health effects from the violation or situation (see section b. below);

- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help;
  - (7) What the System is doing to correct the violation or situation;
  - (8) When the System expects to return to compliance or resolve the situation;
  - (9) The name, business address, and phone number of the System owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
  - (10) A statement to encourage the notice recipients to distribute the public notice to other persons served.
- b. Mandatory health effects language specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice from their health care providers about the drinking water.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., **SHALL BE**

**BOILED FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE, ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.**

2. Respondent shall continue the public notice as set forth above until EPA Region 8 provides written notification to discontinue public notice.
3. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations (NPDWRs) violation.

**C. ALTERNATE WATER SUPPLY**

Upon the effective date of this Order, Respondent shall notify all water users of the System that an alternative potable water supply is available. The alternative water supply shall be from an EPA-regulated drinking water supply that meets the NPDWRs or a licensed water distributor, and must be made available at no cost as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide the alternative water at a central location that is accessible to all persons served by the System. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the System.

**D. COMPLIANCE MEASURES**

1. Within 30 days of the date of this Order, Respondent shall clean and flush the System including disinfection of the distribution system and storage tank(s).



2. Within 30 days of this Order, Respondent shall submit a detailed plan to EPA to bring the System into compliance with turbidity levels set forth in 40 C.F.R. §§ 141.73 and 141.551(b), specifying water served by the System must at no time exceed 5 NTU and that 95% of the monthly samples be 1 NTU or less. Respondent's plan, at a minimum, shall include:
  - a. Efforts the Respondent will take to prevent the recurrence of contamination in the System. EPA recommends regular cleaning of the storage tank every five years be a part of this effort.
  - b. Proposed System modifications. EPA recommends including a filtered water turbidity alarm with automatic shut off of water supply to the storage tank and distribution system, at a set turbidity level. Respondent should also consider installing a pre-treatment system prior to the cartridge filters.
  - c. Estimated costs of modifications.
  - d. If construction is necessary, a schedule for construction of the project including applying for any required permits from the Wyoming Department of Environmental Quality, Water Quality Division.
  - e. Specific milestone dates and a final compliance date that will be within 6 months of the date of this Order.

- f. The plan must be approved by EPA before construction can commence. If EPA does not approve Respondent's plan, within 15 days of receiving EPA comments, Respondent shall submit a modified plan(s) to EPA.
  - g. The plan set forth above, including the schedule for construction and completion of modifications, will be incorporated into this Order upon written approval by EPA.
  - h. Respondent shall notify EPA when modifications have been completed.
3. Upon the effective date of this Order, Respondent shall comply with the turbidity limits set forth in 40 C.F.R. §§ 141.73 and 141.551(b), specifying that water served by the System must at no time exceed 5 NTU and that 95% of the monthly samples be 1 NTU or less..

**E. MONITORING REQUIREMENTS**

- 1. Once the distribution system and storage tank have been cleaned and disinfected, in addition to daily turbidity sampling of the filtered water after the cartridge filters, Respondent shall collect consecutive daily (one sample per day) special purpose total coliform samples of the water from the distribution system to determine compliance with the Maximum Contaminant Level (MCL) as set forth in 40 C.F.R. § 141.63. This daily sample in the distribution system shall also be monitored for turbidity and chlorine residual, to reflect water leaving the storage tank. Respondent shall continue special daily total coliform, turbidity and

chlorine residual monitoring until receiving written notice from EPA that Respondent may discontinue special daily sampling. Respondent shall report daily turbidity, chlorine residual, and total coliform sampling results to EPA by telephone or fax immediately upon receiving the results.

2. After Respondent receives written notification from EPA allowing it to discontinue daily total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.21 to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
3. By providing oral or written notification, EPA may require Respondent to increase and/or decrease turbidity, chlorine residual, and/or total coliform sampling any time while the Order is in effect.
4. If any one of the sample results is total coliform-positive, Respondent shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b), which requires public water systems that collect five or fewer total coliform samples to collect a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(b)(5), which requires public water systems that collect five or fewer total coliform samples to collect a total of 5 routine total coliform samples the month following a total coliform-positive sample result.

**F. REPORTING**

1. Respondent shall give weekly updates to EPA on progress until EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.
2. All reports and notifications herein required shall be submitted to:

Kathelene Brainich, 8ENF-W  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone (800)227-8917 X 6481 or (303) 312-6481  
Fax (303) 312-7518

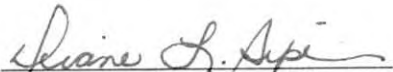
**GENERAL PROVISIONS**

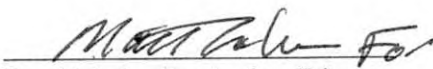
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under section 1431(a) of the Act, 42 U.S.C. § 300i(a), may subject the Respondent to a civil penalty not to exceed \$16,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject

Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. This Order constitutes a final agency action.
5. The effective date of this Order shall be the date of issuance.

Issued this 21<sup>st</sup> day of August, 2007.

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
David J. Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice