

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901**

**IN THE MATTER OF:**

Docket No. PWS-AO-2019-6008

Oasis Mobile Home Park,  
Scott Lawson  
Public Water System, PWS ID. No. 090605129

Respondents.

Proceedings pursuant to Section 1431(a) of the  
Safe Drinking Water Act, 42 U.S.C. § 300i(a).

**EMERGENCY ADMINISTRATIVE ORDER**

**AUTHORITY**

1. The Enforcement and Compliance Assurance Division for Region 9 of the U.S. Environmental Protection Agency (“EPA”) issues this Emergency Administrative Order (“Order”) to Oasis Mobile Home Park and Scott Lawson (“Respondents”) pursuant to EPA’s authority under Section 1431(a) of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. EPA has primary enforcement responsibility for the SDWA public water system supervision program on the Torres Martinez Desert Cahuilla Indian Reservation (“Reservation”). No other governmental authority has applied for and been approved to administer the program on the Reservation.
3. EPA may issue an Order pursuant to Section 1431(a) of the SDWA, 42 U.S.C. § 300i(a), when a contaminant is present or is likely to enter a public water system, which may present an imminent and substantial endangerment to the health of persons, and appropriate state and local authorities have not acted to protect the health of such persons.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

4. Respondents are individuals and/or corporation, company, association, and officers and agents of said corporation, company or association and therefore each is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2, for purposes of federal enforcement under the SDWA.

5. Respondents own and operate a “public water system” within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2, known as the Oasis Mobile Home Park Public Water System (“System”), which serves water for human consumption through approximately 390 service connections to approximately 1,900 persons located on the Torres Martinez Desert Cahuilla Indian Reservation at 88740 Avenue 70, Thermal, California 92274.
6. Respondents’ ownership and operation of a public water system makes each a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2, and subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations at 40 C.F.R. Part 141.
7. The System regularly serves at least 25 year-round residents and is therefore a “community water system” (“CWS”) within the meaning of Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.
8. The System’s arsenic treatment plant is a coagulation filtration system that uses a proprietary media. The source water is pumped through a LAKOS sand separator to remove most of the particles from the flow stream, then oxidize with chlorine to convert the arsenic from arsenic 3 to arsenic 5 to help in the arsenic removal process. The water is then injected with ferric chloride solution that supports the production of floc which is part of the coagulation process. The water is then piped through eight filter vessels, each containing a proprietary manganese oxide media. The treatment process has a backwash component that removes the arsenic saturated iron oxides and other particulates that may be in the water. After the water is filtered through the vessels, it is discharged to storage tanks and then pumped to distribution.
9. The SDWA’s National Primary Drinking Water Regulations (“NPDWRs”) at 40 C.F.R. § 141.62(b)(16) establish the Maximum Contaminant Level (“MCL”) for arsenic, which is set at 10 parts per billion (ppb).
10. The System is solely supplied by groundwater that has naturally occurring arsenic levels above the MCL.
11. Pursuant to 40 C.F.R. § 141.23(i)(1), the MCL for arsenic is calculated on a running annual average (“RAA”) at each sampling point. A system with an RAA at any sampling point above the MCL has violated the MCL.
12. Under the public notice requirements at 40 C.F.R. § 141.203(a)(1), (b) and (c), the System must provide public notice of any MCL violation, in a form and manner that is reasonably calculated to reach persons served as soon as practical, but no later than 30 days after the system learns of a violation. Further, under 40 C.F.R. § 141.201(c)(3), the System must submit a copy of the public notice document to its primacy agency.

13. EPA has brought previous enforcement actions against Respondents. In September 2004, EPA issued an Administrative Order for failure to monitor and report for numerous SDWA chemical and microbiological contaminants. In September 2007, EPA and Respondents entered into a Consent Agreement and Final Order regarding SDWA monitoring and reporting violations, among others, that included an \$18,000 penalty.
14. Prior to issuing this Order, EPA confirmed that tribal and local authorities have not acted to protect the health of persons in this instance.
15. EPA has determined that the following conditions at the System may present an imminent and substantial endangerment to the health of persons:

**High Levels of Arsenic**

16. During an inspection in late June 2019, EPA received testing results for arsenic samples collected in April, May, and June 2019. The results showed that the System exceeded the MCL for arsenic as the contaminant was found at 16 ppb in April, at 94 ppb in May, and at 89 ppb in June. After the inspection, EPA received an arsenic sample result of 97 ppb for July 2019. The results were more than nine times the MCL for arsenic. These high levels could result in acute health effects and suggest the likelihood of chronic effects as well. Arsenic is a known carcinogen and drinking high levels over many years can increase the chance of lung, bladder and skin cancers, as well as heart disease, diabetes and neurological damage.
17. Respondents have violated 40 C.F.R. § 141.62(b)(16), which sets the MCL for arsenic at 10 ppb. EPA calculated the RAA for the System based upon monitoring data supplied by the System and found MCL violations in 2019.

**Failure to Notify the System's Users**

18. Based on conversations with Respondents, EPA has reason to believe that the System has failed to comply with the public notice requirements at 40 C.F.R § 141.203(a)(1), (b) and (c). Accordingly, the System's users have not been notified about the high levels of arsenic, the potential health effects or that they should use alternate sources of water. Consuming water with arsenic levels near 100 ppb is a serious health concern on a short-term basis and the public notice should have informed customers to seek alternative sources of water.

## **EMERGENCY ORDER**

### **Intent to Comply**

19. Within 24 hours of the effective date of this Order, Respondents must notify EPA in writing of their intent to comply with the terms of this Order. To satisfy this requirement, Respondents may email the EPA points of contact identified below in paragraph 32.

### **Alternative Water**

20. Respondents shall provide an alternative source of water (e.g., bottled water) to customers no later than August 28, 2019, by 12:00 pm, that meets all applicable SDWA requirements at 40 C.F.R. Part 141. Respondents shall provide alternative source of water to its customers at no direct cost to customers until at least such time as Respondents' System comes into compliance with the arsenic MCL RAA or EPA notifies Respondents in writing that they may discontinue supplying alternative source of water to the System's customers.
21. Within 48 hours of the effective date of this Order, Respondents shall develop, and submit to EPA for review and approval, an Alternative Water Source Plan ("AWSP") wherein Respondents detail how and where they will provide at least one gallon of potable water per day, per person. This per person daily allotment of alternative water must be made accessible to all persons served by the System. Additionally, the AWSP will outline how Respondents plan to inform every person served by the System when an alternative water source is made available. If bottled water is going to be used by Respondents as alternative water in accordance to this Order, Respondents must ensure that the bottled water is certified by the International Bottled Water Association ("IBWA") or NSF International.
22. Once this AWSP is approved by EPA in writing, Respondents shall implement the AWSP within 24 hours. The implementation of the AWSP shall remain in effect until EPA provides written notification to Respondents that AWSP implementation is no longer required for that particular event.
23. In accordance with 40 CFR Part 141, Subpart Q, Respondents shall provide timely public notice (in English and Spanish) to System users regarding the alternative source of water, along with a description of health effects associated with arsenic in drinking water.

### **Increased Arsenic Sampling and Analysis**

24. Respondents shall monitor for arsenic immediately and no less than once per week thereafter starting August 28, 2019 at the entry point to the distribution system using a certified laboratory and send the results to EPA within 24 hours of receiving the results. The sampling results shall be submitted to EPA every Friday thereafter. Respondents shall comply with

any additional and/or more frequent arsenic sampling and analysis requirements determined necessary by EPA following written notice by EPA of any such requirements.

25. Respondents shall continue to comply with all applicable monitoring and reporting requirements of the SDWA and NPDWR in accordance with C.F.R. Part 141.

### **Technical Review of Arsenic Treatment System**

26. Within seven calendar days of this Order's effective date, Respondents shall engage a technical provider with sufficient engineering knowledge and certification regarding the particular treatment system being used by Respondents to assess and identify deficiencies related to the System's arsenic treatment.
27. Within ten calendar days of this Order's effective date, Respondents shall develop and submit to EPA for review and approval the findings of its technical provider's review, and a written work plan ("Work Plan") to address any identified deficiencies related to the arsenic treatment system, along with a proposed schedule for expeditious implementation of any identified measures or work to make the System function in a manner that ensures compliance with the NPDWRS, including the arsenic MCL. The submitted Work Plan must ensure that the arsenic treatment system conforms to the manufacturer's recommended operating specifications and optimally treats the System's drinking water supply to meet all SDWA standards.
28. Upon approval by EPA, Respondents shall implement the written Work Plan in accordance with the timetables set forth in the Work Plan. If EPA disapproves the written Work Plan, Respondents shall submit a revised Work Plan within five days of receipt of EPA's disapproval, and Respondents shall incorporate into the revised Work Plan any change required by EPA or address any deficiencies to the plan identified by EPA.

### **Standard Operating Procedures**

29. Respondents must develop and follow Standard Operating Procedures ("SOPs") that will cover the collection of arsenic samples, as well as data on well usage and arsenic treatment operations to be able to determine whether operating conditions of the System's arsenic treatment plant are influencing arsenic levels. The SOPs should include instructions for operating the arsenic treatment system in a way that makes it reasonable for non-technical practitioners to understand and implement. Respondents will submit SOPs to EPA for approval no later than 60 calendar days after this Order's effective date. Among other water system operations, Respondents must develop SOPs that incorporate the following collection, logging and operational procedures:
  - a. Arsenic sample data;
  - b. Water system operational data including, but not limited to, daily raw and finished

- water pumping levels, daily chlorine levels, daily ferric chlorine levels and backwash frequency;
- c. Information on any maintenance and operational changes (e.g., treatment plant, wells, pumps);
  - d. Testing of arsenic treatment alarm systems (Respondents' arsenic treatment plant must have an alarm system to detect system malfunctions);
  - e. Arsenic treatment plant troubleshooting best practices; and
  - f. Drinking water storage tank operations and maintenance.

### **Water Operation Certification**

30. No later than August 30, 2019, Respondents must identify and provide EPA verification (i.e., Statement of Work) that the System has a water operator who possesses operator certification credentials of at least Distribution 1 and Treatment 1, and that the water operator must evaluate the system on-site no less than once every week, unless otherwise notified in writing by EPA, and be accessible or available to make water system operations and process control decisions 7 days a week.

### **Notifications**

31. Respondents must notify EPA within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants. 40 C.F.R. § 141.202(b)(2).

### **Reporting**

32. Within five business days of this Order's effective date, Respondents must submit weekly updates to EPA on Respondents' progress complying with this Order. At a minimum, the update should include any measures Respondents have taken to identify and address the problems with the System, any sample data, and a summary of all efforts to meet the requirements of this Order including the provision of alternative water. These reports must be submitted to:

Everett Pringle  
SDWA Enforcement Section  
U.S. Environmental Protection Agency  
75 Hawthorne Street (ENF-3-3)  
San Francisco, CA 94105  
Phone: (415) 972-3548  
E-mail: [pringle.everett@epa.gov](mailto:pringle.everett@epa.gov)

Jason Gambatese  
Tribal Drinking Water Team  
U.S. Environmental Protection Agency  
75 Hawthorne Street (WTR-4)  
San Francisco, CA 94105  
phone: 415-972-3571  
Email: [gambatese.jason@epa.gov](mailto:gambatese.jason@epa.gov)

**GENERAL PROVISIONS**

33. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under Section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a), Respondents may seek federal judicial review of SDWA Section 1431 emergency orders.
34. EPA may modify this Order. EPA will communicate any modification(s) to Respondents in writing and they shall be incorporated into this Order.
35. This Order does not relieve Respondents from its obligation to comply with applicable federal, tribal, or local law.
36. Pursuant to SDWA Section 1431(b), 42 U.S.C. § 300i, in the event Respondents violate, fail or refuse to comply with any of the terms or provisions of this Order, EPA may commence a civil action in U.S. District Court to require compliance with this Order and to assess a civil penalty of up to \$23,963 per day of violation under the SDWA, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.
37. EPA reserves all rights against the Respondents and all other persons to take any further civil, criminal, or administrative enforcement action pursuant to any available legal authority. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, including modification of this Order or issuance of additional Orders, and/or additional actions as the EPA may deem necessary, and/or from requiring Respondents in the future to perform additional activities pursuant to the SDWA or any other applicable law.
38. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from EPA that Respondents have demonstrated, to the satisfaction of EPA, that the terms of this Order, including any additional tasks determined by EPA to be required under this Order or any continuing obligation or promises, have been satisfactorily completed.

Issued and effective this 27 day of August 2019.

  
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Amy C. Miller, Director  
Enforcement & Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 9

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**Of counsel:**

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U.S. EPA – Region 9**