

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

IN THE MATTER OF:)	Docket No. PWS-AO-2021-6000
)	Proceedings Pursuant To Section
Oasis Mobile Home Park; the Estate of Scott)	1431 of the Safe Drinking Water Act,
Lawson Sr.; Cheweka Salazar Lawson; Sophia)	42 U.S.C. § 300i
Lawson; Scott Lawson Jr.; Martin Lawson; Kim)	
Lawson Jr.; Rose Saubel; and Julie Lawson,)	EMERGENCY ADMINISTRATIVE ORDER
Public Water System, PWS ID. No. 090605129)	
Respondents.)	
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I. 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; the Estate of Scott Lawson Sr.; Cheweka Salazar Lawson; Sophia Lawson; Scott Lawson Jr.; Martin Lawson; Kim Lawson Jr.; Rose Saubel; and Julie Lawson (collectively, the “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 Indians Reservation (“Reservation”). No other governmental authority has applied for or 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 in 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.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Background and Legal Authorities

4. Based upon the facts set forth in Section II.B of this Order, EPA has determined that contaminants are present or likely to enter the Oasis Mobile Home Park (“Oasis”) Public Water System (the “System”), which serves water for human consumption through approximately 390 service connections to approximately 1,100 persons located on the Reservation at 88740 Avenue 70, Thermal, California 92274. As a result, the situation may present an imminent and substantial endangerment to the health of persons pursuant to Section 1431(a) of SDWA.
5. The System is located on Allotment 19 within the Reservation. The U.S. Bureau of Indian Affairs (“BIA”) records indicate that Allotment 19 was created in 1927. In 1964, a Fee Patent was issued for a 1/3 undivided interest to Lillian Lopez Grapevine, who is not an enrolled member of the Torres Martinez Desert Cahuilla Indians. The remaining 2/3 undivided interest in the Allotment remains held in trust by the BIA for the benefit of members of the Lawson family, including Scott Lawson Sr., who held a 1/6 undivided interest in the Allotment until his passing on May 4, 2021. Martin Lawson holds another 1/3 undivided interest in the Allotment. Kim Lawson Jr., Julie Lawson, and Rose Saubel jointly hold the remaining 1/6 undivided share of the Allotment.
6. Cheweka Salazar Lawson, Sophia Lawson, and Scott Lawson Jr., who are Scott Lawson Sr.’s children, are currently operating the System, either directly or through the employment of an operator of the System.
7. Respondents Estate of Scott Lawson, Sr., Martin Lawson, Kim Lawson, Jr., Julie Lawson, and Rose Saubel all have ownership interests in the trust land on which the System is located, and therefore currently own all or part of the System.
8. As a result, Respondents collectively own and/or 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.
9. Respondents’ ownership and/or 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 et seq., and its implementing regulations at 40 C.F.R. Part 141.
10. Respondents are each an individual 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.
11. The System, which regularly serves at least twenty-five (25) year-round residents, is 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.

12. 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 at 10 parts per billion ("ppb").
13. The System is solely supplied by groundwater that has naturally occurring arsenic levels above the MCL of 10 ppb.
14. In order to meet the MCL, the System treats the water for arsenic using an Environgen Technologies coagulation filtration system, which uses a proprietary media ("Treatment System").
15. EPA brought previous civil administrative enforcement actions against the late Scott Lawson Sr. and his sole proprietorship, Oasis.
16. In September 2004, EPA issued an Administrative Order to Scott Lawson Sr. and Oasis for failure to monitor and report for numerous SDWA chemical and microbiological contaminants. In September 2007, EPA, Scott Lawson Sr., and Oasis entered into a Consent Agreement and Final Order regarding SDWA monitoring and reporting violations, among others, that included an \$18,000 penalty.
17. In August 2019, EPA issued an Emergency Administrative Order to Scott Lawson Sr. and Oasis due to high arsenic levels ranging from 89 ppb to 97 ppb in the treated water at the Entry Point to the Distribution System ("EPDS").
18. In September 2020, EPA issued a second Emergency Administrative Order to Scott Lawson Sr. and Oasis due to high arsenic levels ranging from 78 ppb to 90 ppb in the treated water found not only at the EPDS, as was the case in 2019, but also found in residential homes.
19. Prior to issuing these Emergency Administrative Orders, including this Order, EPA consulted with tribal and local authorities and confirmed they have not acted to protect the health of persons in this instance.
20. Through their actions or inactions, as owners and/or operators of the System, Respondents have collectively failed to ensure that the System is meeting the arsenic MCL, as described below in Paragraphs 26 to 34.
21. Through their actions or inactions, Respondents have also caused or contributed to the endangerment of the Oasis consumers from arsenic, a contaminant, present in the System by not taking proper action to address the high levels of arsenic, as described below in Paragraphs 26 to 34.
22. The EPA has determined that this Order is necessary to protect public health for the following reasons:

B. Endangerment Caused by Contaminants in the System

23. Exposure to arsenic may result in both acute and chronic health effects for humans. Arsenic is a known carcinogen and consuming water with high levels of arsenic over many years can increase the chance of lung, bladder, and skin cancers, as well as heart disease, diabetes, and neurological damage.
24. The Treatment System, an Envirogen Technologies coagulation filtration system, was designed to treat water with arsenic at a range of 10 to 19 ppb. It was also designed to operate with a pH range around 8.0 pH, but not necessarily higher or lower pH levels.
25. A sanitary survey performed on February 25, 2020 showed that the Distribution System at Oasis is made up of 1, 2, 3, 4, 6 and 8-inch PVC pipe. Many of the homes served by the Distribution System have galvanized pipe, PVC, and copper. At the time, the primary source of raw water for the System came from Well #1.

High Arsenic Levels Currently in the Distribution System and Historically at the EPDS from Well #1

26. On July 13, 2020, a community group conducted arsenic tests at taps in homes at Oasis showing arsenic levels of 70, 40, and 30 ppb at three of the homes.
27. Follow-up sampling by the community group on July 30, 2020 showed arsenic levels in the same three homes previously sampled at Oasis were 84, 83, and 86 ppb.
28. Between October 31, 2019 and August 26, 2020, the System collected twenty-nine (29) samples at the EPDS, and all arsenic results were below the MCL. The System conducted weekly sampling through May 2020 and then monthly sampling until July 2020.
29. On August 26, 2020, Scott Lawson Sr.'s representatives took samples in individual homes, at a water storage tank and at the EPDS. The arsenic level taken at the taps of residential homes ranged from 78 to 90 ppb, the water storage tank was at 87 ppb, and EPDS was at 80 ppb.
30. Based on the sampling described above, EPA has determined that arsenic is likely accumulating in the System's piping and storage of the Distribution System and adhering to the plumbing infrastructure of residential homes, thereby exposing residents to arsenic concentrations significantly higher than the MCL even when levels at the EPDS are meeting the MCL.

High Arsenic Levels Currently at the EPDS from Well #2

31. On August 22, 2020, due to a failure of Well #1 resulting in a reduced flow of source water and a high level of sand and clay accumulation at the Treatment System, Scott Lawson Sr. and Oasis switched to another well, Well #2, as the primary source of water for the System. Well #2 has significantly higher levels of arsenic and pH than Well #1.

32. From August 2020 to August 2021, the System collected 16 compliance samples at the EPDS and all the results have been above the MCL. The sample collected on August 18, 2021 was 93 ppb.
33. Given that raw water from Well #2 has natural arsenic levels of up to 100 ppb and a pH over 9.0, the Treatment System, based upon its current design and operation, is not reliably and consistently treating the arsenic in the raw water from Well #2 to levels below the arsenic MCL.
34. As a result of the Treatment System not currently treating arsenic in the raw water from Well #2 to a level below the arsenic MCL, residents are potentially being exposed to arsenic concentrations significantly above the MCL.

III. EMERGENCY ORDER

A. Intent to Comply

35. By September 17, 2021, Respondents must individually notify EPA in writing of their intent to comply with the terms of this Order. To satisfy this requirement, Respondents must each email the EPA points of contact identified below in Paragraph 61.

B. Alternative Water and Alternative Water Supply Plan

36. Respondents shall provide an alternative source of water (e.g., bottled water) to customers starting no later than September 15, 2021 by 5:00 pm each day. This water source must meet all applicable SDWA requirements at 40 C.F.R. Part 141. Respondents shall provide an alternative source of water to its customers of at least one gallon of potable water per day per person with no direct or indirect costs to customers (including any rent increases or additional fees) until at least such time as EPA notifies Respondents in writing that they may discontinue supplying an alternative source of water to the System's customers.
37. Notwithstanding the requirement of Paragraph 36, above, by September 17, 2021, Respondents shall develop, and submit to EPA for approval in accordance with Paragraph 62, an Alternative Water Source Plan ("AWSP") wherein Respondents will 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 of how to obtain the alternative water. The AWSP shall describe how Respondents will demonstrate to EPA weekly that alternative water was provided on a daily basis and the number of gallons distributed to each person. The AWSP shall also describe how all persons, including those with disabilities or health issues, will have access to the alternative water. If Respondents provide bottled water as alternative water in accordance with this Order, Respondents must ensure that the bottled water is certified by the International Bottled Water Association ("IBWA") or NSF International.
38. Once this AWSP is approved by EPA in writing pursuant to Paragraph 62, Respondents shall

implement the AWSP within twenty-four (24) hours as the method to ensure compliance with the ongoing alternative water requirement of Paragraph 36. The implementation of the AWSP shall remain in effect until EPA provides written notification to Respondents that AWSP implementation is no longer required.

39. No later than twenty-four (24) hours after implementing the AWSP, Respondents shall provide to System users public notice (in English and Spanish) regarding the alternative source of water, along with a description of the health effects associated with arsenic in drinking water. The public notice shall comply with Tier 1 requirement under 40 C.F.R. §§ 141.201 and 141.202.

C. Certified Operator

40. By September 17, 2021, Respondents shall provide documentation to EPA for approval in accordance with Paragraph 62 that they have retained a certified operator who possesses operator certification credentials of at least level Distribution 1 and Treatment 1 to run the System on a daily basis, including a copy of the operator's certification and signed contract for employment. The water operator must operate and maintain the System and be on-site no less than seven days a week, unless otherwise notified in writing by EPA, and be accessible or available to make water system operations and process control decisions at all times. Respondents shall include in the documentation a plan for a backup operator, including contact information, certification, and a signed contract.

D. Technical Provider

41. By September 21, 2021, Respondents must identify and submit for EPA approval in accordance with Paragraph 62 the names of one or more properly certified technical providers that have sufficient technical and/or engineering knowledge and experience in the areas of drinking water system operations, including the particular Treatment System used by Oasis. The technical providers shall be able to assess the operation of the Treatment System, specifically to address excessive arsenic in the Distribution System and in the raw water from Well #2. The technical providers must also be qualified to assess how to best operate the System to achieve compliance with the arsenic MCL.
42. Upon EPA's approval of the technical provider(s) pursuant to Paragraph 62, Respondents shall have forty-eight (48) hours to retain the technical provider(s).

E. Distribution System Sampling Plan

43. By October 12, 2021, Respondents shall submit to EPA for approval in accordance with Paragraph 62 a Distribution System Sampling Plan ("Sampling Plan") to identify, throughout the Distribution System at Oasis on an ongoing basis, levels of arsenic, iron, and any other inorganic constituents that the Technical Provider or other reliable source of technical information identifies as potentially precipitating or concentrating arsenic.

44. The Sampling Plan shall assess the efficacy of any measures put in place to control arsenic within the Distribution System. The Sampling Plan shall:
- a) identify sampling locations that are representative of all parts of the Distribution System and all types of premise plumbing;
 - b) measure levels of constituents at tap samples of individual homes within the System;
 - c) require samples be taken after the tap is flushed on full flow for one (1) to two (2) minutes, be collected while the tap is on full flow, and be sent to a State-certified laboratory for analysis;
 - d) require sampling no less than once per week;
 - e) require all laboratory results be transmitted to EPA within twenty-four (24) hours of receiving them.
45. The Sampling Plan shall also describe the strategy Respondents will implement to communicate with residents about any effects or impacts the actions from the Sampling Plan will have upon residents. Written notices shall be distributed to residents, and drafts of the notices in English and Spanish shall be included in the Sampling Plan.
46. Respondents shall implement the Sampling Plan within two (2) days of EPA's approval of the Sampling Plan pursuant to Paragraph 62, and shall continue implementation until they receive notice from EPA that it is no longer necessary.
47. Respondents shall comply with any additional and/or more frequent sampling and analysis requirements determined necessary by EPA following written notice by EPA of any such requirements.
48. Respondents shall continue to comply with all applicable monitoring and reporting requirements of the SDWA and the NPDWRs in accordance with 40 C.F.R. Part 141.

F. Assessment of Current Operations

49. By September 29, 2021, Respondents must prepare and submit for EPA approval in accordance with Paragraph 62, an assessment prepared by the Technical Provider describing the current operations of the Treatment System and the Distribution System ("Assessment of Operations") that contains the items specified in Paragraph 51, below.
50. As background, the Treatment System operates by pumping Well #2 source water through a transmission line where prior to treatment, chlorine, carbon dioxide and a ferric chloride solution is injected into the water to produce arsenic-containing floc, a solid. The water is then piped through eight vessels, each containing a proprietary manganese oxide media to remove the floc. The treatment process has a backwash component that cleans the filters by removing the arsenic saturated iron oxides and other particulates that may have been in the filtered water. After the water is filtered through the vessels, it is discharged to storage tanks and then pumped for distribution.

51. The Assessment of Operations shall include discussion of the adequacy and/or efficacy of the following current operational elements of the Treatment System to reduce arsenic in the Well #2 source water to levels meeting the arsenic MCL:

- a) Process flow and design diagrams including operational parameters
- b) pH adjustments
- c) Oxidation addition
- d) Coagulant additions
 - i. Volumetric flowrate of solution(s) required to meet a predetermined dose rate
- e) Filter media
 - i. Degradation
 - ii. Improper regeneration
- f) Backwash design
- g) Waste handling design, procedures and protocols
 - i. Brine/backwash tank
 - ii. Drying bed
- h) Storage tanks, including the evaluation of all vents, screens, and hatches

The report shall specifically address each element, providing a description of how each functions and documenting any deficiencies or issues that may negatively impact successful operation of the Treatment System.

G. Flushing Plan

52. By October 12, 2021, Respondents shall submit to EPA for approval in accordance with Paragraph 62 a System-wide (including homes) plan to intermittently flush sitting water from the entire system (“Flushing Plan”). The Flushing Plan shall include a schedule of implementation and be designed in coordination with the results of the Sampling Plan to remove all iron and arsenic from the Distribution System and plumbing within each home.

53. The Flushing Plan shall also describe the strategy Respondents will implement to communicate with residents about any effects or impacts the actions from the Flushing Plan will have upon residents and the water. Written notices shall be distributed to residents, and drafts of the notices in English and Spanish shall be included in the Flushing Plan.

54. Respondents shall implement the Flushing Plan within two (2) days of EPA’s approval of the Plan pursuant to Paragraph 62 and continue implementation until EPA notifies Respondents in writing that flushing is no longer necessary.

H. Corrective Action Plan

55. By November 9, 2021, Respondents shall submit to EPA for approval in accordance with Paragraph 62 a Corrective Action Plan that analyzes and provides corrective actions for both

arsenic precipitating or concentrating in the Distribution System and the high levels of arsenic at the EPDS. At a minimum, the Corrective Action Plan shall include the following measures to be implemented as quickly as possible:

- a. For arsenic precipitating or concentrating within the Distribution System:
 - i. A detailed plan identifying how the Respondents can address the causes of precipitation or concentration of arsenic within the Distribution System, through either physical and/or operational changes to the System, including an implementation schedule for any corrective action found to be necessary;
 - ii. A discussion of how samples taken under the Sampling Plan will demonstrate the efficacy of any corrective action efforts; and
 - iii. Identification of contingencies to be taken if the identified corrective action is not effective at reducing or eliminating the precipitation or concentration of arsenic within the Distribution System or any other available source water in order to achieve the arsenic MCL in the System.

b. For the control of high levels of arsenic at the EPDS:

- i. A detailed plan identifying how the Respondents can address any limitations preventing the Treatment System from treating high levels of arsenic in the source water from Well #2 to the arsenic MCL, through either physical and/or operational changes at the Treatment System, including an implementation schedule for any corrective action found to be necessary;
- ii. A discussion of how samples taken under the Sampling Plan will demonstrate the efficacy of any corrective action efforts; and
- iii. Identification of contingencies to be taken if the identified corrective action is not sufficient for the current arsenic treatment plan to remove sufficient arsenic from the raw water in Well #2 or any other available source water in order to achieve the arsenic MCL in the System.

56. The Corrective Action Plan shall also include Standard Operating Procedures (“SOPs”), that describe the process of determining whether the operating conditions of the Treatment System are influencing arsenic levels, and how to optimize operational parameters to ensure maximum reduction of arsenic by the Treatment System. The SOPs shall reference how specific data from the Sampling and Flushing Plans will be used for arsenic treatment operations. The SOPs shall be drafted in a manner that non-technical practitioners can understand and implement them.

57. Respondents shall implement the approved Corrective Action Plan within two (2) days of

EPA's approval of the Plan pursuant to Paragraph 62.

58. EPA retains its authority to take additional action pursuant to its authority under SDWA, including the issuance of additional order(s), to ensure consumers at Oasis are not exposed to arsenic levels above the MCL of 10 ppb, including but not limited to if the corrective actions fail to correct excessive arsenic levels at Oasis.

IV. GENERAL PROVISIONS

A. Notifications

59. Respondents must notify EPA within twenty-four (24) hours after any Respondent learns of a violation of this Order or a 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).
60. Respondents shall carry out the public notice requirements found in 40 C.F.R. Part 141, Subpart Q for any violations of the NPDWRs.

B. Reporting

61. Respondents shall submit weekly updates to EPA on Respondents' progress complying with this Order by Monday of each week. At a minimum, the update must include any measures Respondents have taken to identify and address the problems with the System; any sample data; and a summary of all efforts taken to meet the requirements of this Order, including the provision of alternative water. Specifically, the updates shall include the water sheets documenting the provision of one gallon per person per day each week. These reports must be submitted via email to both of the following points of contact for EPA:

Everett Pringle
Drinking Water Section
U.S. Environmental Protection Agency
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
Phone: 415-972-3548
Email: 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

C. Review and Approval of Submissions

62. For any submission required under this Order for EPA approval, EPA may approve or disapprove the submission, in whole or in part, in writing addressed to the Respondent submitting the deliverable. If EPA disapproves a submission, or any component of a submission, that Respondent shall address all deficiencies identified by EPA within fourteen (14) days of receipt of EPA's disapproval and submit a revised submission, or its relevant components, for EPA's approval in accordance with Paragraph 62. Once a submission has been approved, all Respondents are obligated to implement it immediately and it shall

become an enforceable requirement of this Order. Once approved, EPA will send a copy of the submissions and related correspondence to all the other Respondents.

D. Weekly Meetings

63. Beginning on September 21, 2021, Respondents shall convene weekly meetings by teleconference and/or other web-based virtual communication platforms and invite the Technical Provider, EPA and/or other pertinent stakeholders to update and discuss any measures Respondents have taken to identify and address the problems with the System, including any sample data, and discuss implementation of this Order. Respondents shall provide invitations at least seven days in advance.

E. Effects of this Order

64. This Order supersedes the 2019 and 2020 Emergency Administrative Orders issued to Scott Lawson, Sr. and Oasis under Section 1431 of the SDWA.

65. Each Respondent is responsible for compliance with all requirements of this Order, jointly and severally.

66. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter.

67. 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.

68. This Order does not relieve Respondents from their obligation to comply with any applicable federal, state, tribal, or local laws.

69. Pursuant to SDWA Section 1431(b), 42 U.S.C. § 300i(b), in the event that Respondents, individually or collectively, 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 against any or all Respondents to require compliance with this Order and to assess a civil penalty of up to \$24,674 per day of violation under the SDWA, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, which was amended by the Debt Collection Improvement Act of 1996 and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.

70. EPA reserves all rights against each Respondent 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.

71. The provisions of this Order are binding on each Respondent and their officials, officers,

directors, partners, agents, employees, attorneys, successors, heirs, and assigns, and on all persons, independent contractors, consultants, and contractors acting in concert with Respondents.

F. Modification and Termination of this Order

72. EPA may modify this Order pursuant to its authority under Section 1431 of the SDWA. EPA will communicate any modification(s) to Respondents in writing, and they shall be incorporated into this Order.
73. 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 fourteenth day of September, 2021.

Amy C. Bowen-Miller, Director
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U.S. Environmental Protection Agency, Region 9

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