



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

AUG 24 2007

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fremont County Commissioners
c/o Doug Thompson, Chair
450 N. 2nd Room 220
Lander, WY 82520

Re: Notice of Safe Drinking Water Act Enforcement
Action against TVRC Education Foundation,
Teton Valley Ranch Camp, PWS ID 5601536

Dear County Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued to TVRC Education Foundation ("TVRC"), Teton Valley Ranch Camp-Dubois, Wyoming. This Order requires that TVRC take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for total coliform and nitrate; exceeding the maximum contaminant level for total coliform; and failing to report such violations to EPA and the public.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-W

AUG 24 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TVRC Education Foundation
c/o Tom Holland, Education Director
POB 3968
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2007-0075**
Teton Valley Ranch Camp-Dubois
PWS ID # WY5601536

Dear Mr. Holland:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the TVRC Education Foundation-Teton Valley Ranch Camp-Dubois ("TVRC") has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If TVRC complies with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.



We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order
Information sheet
Public notice template

cc: Jim Walter, Teton Valley Ranch
WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 AUG 24 PM 1:36

IN THE MATTER OF)
)
TVRC Education Foundation)
(Trade Name: Teton Valley Ranch Camp-Dubois))
Dubois, WY)
)
Respondent)

EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0075**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. The TVRC Education Foundation (Respondent) is a corporation under the laws of the State of Wyoming as of December 26, 2000, that owns and/or operates the Teton Valley Ranch Camp-Dubois (trade name) Water System (the system) in Fremont County, Wyoming which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells and is not treated, although disinfection equipment is online but not used, and serves approximately 113 people per day through 16 service connections seasonally from June 1 to August 31. The system is a "non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. § 141.

VIOLATIONS

1. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during the 3rd (July-September) quarter in 2003 and the 2nd (April-June) quarter in 2006, and therefore violated this requirement.

2. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL, 40 C.F.R. § 141.63. Respondent's sampling results in August 2004 exceeded the MCL for total coliform bacteria and therefore violated this requirement.

3. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2006, and therefore violated this requirement.

4. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 1 and 2 above and therefore violated this requirement. Public notice for the violation in paragraph 3 above was completed.
5. Respondent was required to report failure to comply with a coliform monitoring requirement to EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violations listed in paragraph 1 above and therefore violated this requirement.
6. Respondent was required to report any sampling results that exceeded the MCL for total coliform to EPA by the end of the next business day after it learned of the violation. 40 C.F.R. §§ 141.21(g)(1), 141.63. Respondent failed to report to EPA the MCL violation listed in paragraph 2 above and therefore violated this requirement.
7. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraphs 5 and 6 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 3 and 4 above to EPA and therefore violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

8. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria and remain within the MCL, as defined in the regulations. 40 C.F.R. §§ 141.21, 141.63. Respondent shall report analytical results to EPA with the first 10 days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2). Any violation of the total coliform MCL shall be reported to EPA by the end of the next business day after Respondent learns of it. 40 C.F.R. §§ 141.21(g)(1), 141.63.
9. Upon receipt of this Order, Respondent shall monitor annually for nitrate. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA with the first 10 days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of nitrate monitoring requirements shall be reported to EPA within 48 hours. 40 C.F.R. § 141.31(b).
10. Within 30 days of opening for the season in June 2008, Respondent shall provide notice to the public of the violations listed in paragraphs 1 and 2 above or any subsequent violations by (1) posting the notice for as long as the violation persists, but no less than seven

days in public locations where it will be seen by people served by the system, OR (2) mailing or delivering the notice to each customer and connection, AND (3) any other effective method if people would not be notified by either of the first two notice options. 40 C.F.R. § 141.201 *et seq.* Specific notice requirements can be found in the attached public notice sample. Respondent shall send a copy of the notice to EPA within 10 days after providing the notice.

11. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

12. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

13. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

14. This Order is a final Agency action.



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



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