



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

MAY 13 2013

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Crook County Commissioners  
c/o Jim W. Hadley, Chair  
P.O. Box 37  
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Devil's Tower KOA  
(Driskill Holdings, LLC)  
PWS ID WY5600370

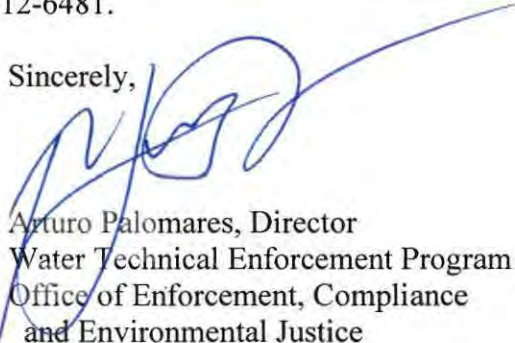
Dear Commissioners:

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

An Administrative Order is being issued to Driskill Holdings, LLC (Driskill). This Order requires that Driskill, as owner and/or operator of the Devils Tower KOA Public Water System (System), take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for nitrate in 2012 and failure to notify the EPA of the violation.

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,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**MAY 13 2013**

Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Rosanne Driskill, Registered Agent  
Driskill Holdings, LLC  
641 Highway 24  
Devils Tower, WY 82714

Re: Administrative Order  
Devils Tower KOA Public Water System  
Docket No. **SDWA-08-2013-0029**  
PWS ID #WY5600370

Dear Ms. Driskill:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Driskill Holdings, LLC (Driskill), as owner and/or operator of the Devils Tower KOA public water system (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have. If the EPA does not hear from you, the EPA will assume this information is correct.

If Driskill complies with the Order, the 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

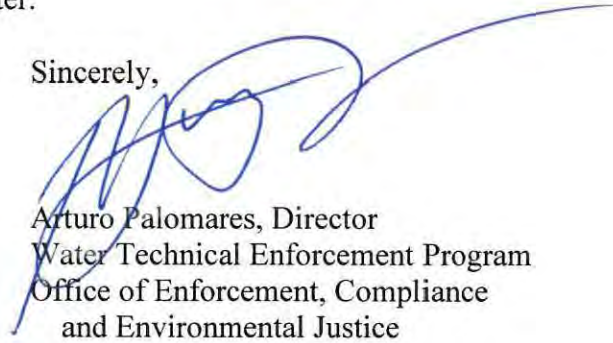
To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 4481 or (303) 312-6481. Any questions from Driskill's attorney should be directed to Mia Bearley,

Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554 or (303) 312-6554.

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We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2013 MAY 13 PM 3:36

IN THE MATTER OF: )  
 )  
Driskill Holdings, LLC, )  
 )  
Respondent. )

Docket No. **SDWA-08-2013-0029**  
**ADMINISTRATIVE ORDER**

FILED  
EPA REGION VIII  
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Driskill Holdings, LLC (Respondent) is a Wyoming corporation that owns and/or operates the Devils Tower KOA Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The System's water is not treated. The System is operated seasonally May through September.
4. The System has approximately 68 service connections and/or regularly serves an average of approximately 125 individuals daily for at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

**VIOLATIONS**

6. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2012, and, therefore, violated this requirement.
7. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violation cited in paragraph 6, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

8. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
9. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.
10. Respondent shall send all reporting and notifications required by this Order in writing to:

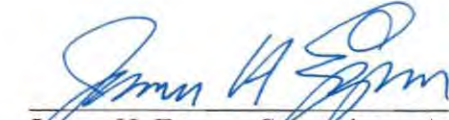
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

### **GENERAL PROVISIONS**

11. This Order shall 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 the EPA to forgo any civil or criminal action.
12. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.
13. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

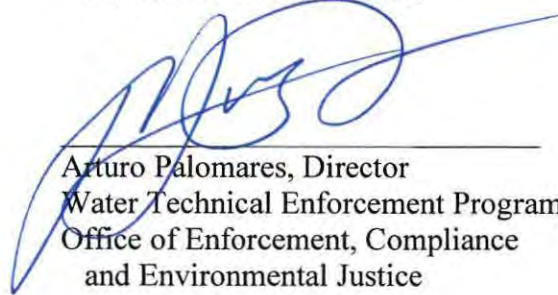
14. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: May 13, 2013.



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James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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