



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

MAY 08 2008

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Freemont County Commissioners  
c/o Douglas Thompson, Chair  
450 North Second, Room 220  
Lander, WY 82520-2360

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Timberline Ranch, PWS ID# 5600933

Dear Commissioners:

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

An Administrative Order is being issued to the Timberline Ranch located in Dubois, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. These violations include: failure to monitor for total coliform bacteria (quarterly and additional routine) and nitrate, provide public notice of the violations, and to notify EPA of the violations.

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  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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**MAY 08 2008**

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

John A. Wells, Registered Agent  
Timberline Ranch  
4127 US Hwy 26/287  
Dubois, WY 82513

Re: Administrative Order  
Docket No. **SDWA-08-2008-0045**  
PWS ID #WY5600933

Dear Mr. Wells:

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 Timberline Ranch has violated the National Primary Drinking Water Regulations.

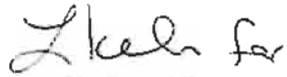
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Timberline Ranch complies with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order 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 Tom Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

We urge your prompt attention to this matter.

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

Enclosures

Order  
Information sheet

cc: WY DEQ (via email)  
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF )  
 )  
Timberline Ranch )  
Dubois, WY )  
 )  
Respondent )

2008 MAY -3 AM 9:01

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0045

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. Timberline Ranch (Respondent) is a corporation under the laws of the State of Wyoming as of March 22, 1973, that owns and/or operates the Timberline Ranch Water System (the system) at 4127 U.S. Hwy 26/287, Dubois, in Fremont County, Wyoming which provides piped water to the public for human consumption. The system is supplied by a groundwater source with no treatment and serves an average of approximately 28 people per day through 5 service connections seasonally from June through August. 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

3. 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 3<sup>rd</sup> (July-September) quarter 2002, 2006 and 2007, and 2<sup>nd</sup> (April-June) quarter 2004 and 2005, and therefore violated this requirement.

4. Respondent collects fewer than 5 routine samples per month and is required, if one or more total coliform samples are positive, to collect at least five routine total coliform samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(a)(5), Respondent failed to collect at least 5 routine samples (4 samples were taken) in July 2003 after a total coliform positive sample in the preceding month, and therefore violated this requirement.

5. 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 monitored for nitrate June 11, 2007, but failed to monitor the water for nitrate contamination in 2006, and therefore violated this requirement.

6. 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 3, 4, and 5 above and therefore violated this requirement.

7. Respondent is required to report any 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 paragraphs 3 and 4 above and therefore violated this requirement.

8. 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 paragraph 7 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 5 and 6 above to EPA and therefore violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

9. Upon receipt of this Order, Respondent shall monitor for total coliform bacteria during 2<sup>nd</sup> and 3<sup>rd</sup> quarters each year. 40 C.F.R. §§ 141.21, 141.63. Respondent shall report analytical results to EPA within 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).

10. Upon the effective date of this Order, Respondent shall monitor for nitrate annually, at a minimum, and in compliance with the regulations. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA within 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).

11. Within 30 days of opening for the season in June 2008, Respondent shall provide notice to the public of all of the violations listed above 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.* Respondent shall notify the public of any future violations. Respondent shall send a copy of the notice to EPA within 10 days after providing the notice. 40 C.F.R. § 141.21(g)(2).

12. 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**

13. 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.

14. 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.

MAY - 7 2008

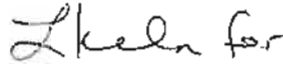
Date



Michael Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

4/30/08

Date



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