

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

April 28, 2020
9:50 AM
Received by

IN THE MATTER OF:)
)
Chris Cox and)
Keith Lenz,)
)
Respondents.)
)
Triangle C Ranch Public Water System)
PWS ID #WY5600400)

Docket No. SDWA-08-2020-0026

EPA Region VIII
Hearing Clerk

ADMINISTRATIVE ORDER

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 official.
2. Chris Cox and Keith Lenz (Respondents) are individuals that own and/or operate the Triangle C Ranch Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption. The System is supplied by a groundwater source accessed via 2 wells. The water is untreated, and the system is pressurized year-round.
3. The System has approximately 14 service connections and/or regularly serves an average of approximately 67 individuals daily at least 60 calendar 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. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
4. Respondents are “persons” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12), and are subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).
5. Part 141 includes monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

6. Respondents are required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. Prior to opening to the public each year, Respondents must send to the EPA a signed certification of the completed start-up procedures using the EPA’s approved checklist (see link, below). Respondents failed to complete seasonal start-up procedures and/or failed to submit a signed copy of the completed checklist to the EPA prior to opening to the public in 2016 and 2018, and therefore violated these requirements.
7. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraph 6, above, are classified as Tier 2 violations, requiring public notice within 30 calendar days of opening for the season

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according to 40 C.F.R. § 141.203. Respondents failed to notify the public of the violations cited in paragraph 6 and/or failed to submit the public notice or certificate to the EPA and therefore, violated this requirement.

8. Respondents are required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraph 6, 7 above, to the EPA and therefore, violated this requirement.

ORDER

Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

9. Respondents shall complete seasonal start-up procedures for the 2020 season as required by 40 C.F.R. §§ 141.854-861. The EPA approved start-up procedures checklist can be found at https://www.epa.gov/sites/production/files/2014-12/documents/rtrcr_seasonal_startup_checklist.pdf. Prior to opening to the public each year, Respondents shall send to the EPA a signed copy of the completed start-up procedures checklist.

10. Within 30 calendar days after opening for the season, and quarterly thereafter as long as the violations cited in paragraph 6 above, persist, Respondents shall notify the public of these violations. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-failure-perform-seasonal-startup-pn-template>. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

11. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

12. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondents shall report the violation to the EPA within that different period.

13. If the population served by the System falls below 25 individuals, you shall notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at:
<https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

14. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In

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either of these circumstances, Respondents shall remain obligated to comply with this Order.

15. Respondents shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
hicks.nathaniel@epa.gov

GENERAL PROVISIONS

16. This Order shall be binding on Respondents, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

17. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

18. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

19. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: April 28, 2020.

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division