

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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

Ref: 8ENF-W

JUL 11 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners c/o Ben Ellis, Chair P.O. Box 3594 County Courthouse Jackson, WY 83001-3594

> Re: Notice of Safe Drinking Water Act Enforcement Action against the Snake River Mobile Home Park Public Water System PWS ID #WY5600214

Dear County Commissioners:

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

EPA has issued an Administrative Order (Order) to Alan Bybee and SSDA, LLC as owners of the Snake River Mobile Home Park drinking water system, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for nitrate and failing to report these violations to EPA.

For more details, a copy of the Order is enclosed. The Order does not require any response or action by the County Commission. If you have any questions regarding the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely

Arturo Palomares, Director

Water Technical Enforcement Program office of Enforcement, Compliance

and Environmental Justice

Enclosure:

Administrative Order

(303) 312-6983. Any questions from the company's attorney should be directed to Amy Swanson, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6906 or (303) 312-6906.

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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Alan Bybee, Managing Member Snake River Mobile Home Park P.O. Box 1153 Jackson, WY 83001

Donna Shepherd, Registered Agent SSDA, LLC P.O. Box 4338 Jackson, WY 83001

Re: Administrative Order
Snake River Mobile Home Park
Public Water System
Docket No. SDWA-08-2011-0049
PWS ID #WY5600214

Dear Mr. Bybee and Ms. Shepherd:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that SSDA, LLC (the company) has violated the National Primary Drinking Water Regulations (the 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 SSDA, LLC complies with the Order, 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 request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

IN THE MATTER OF:) Docket No. SDWA-08-2011-0049	2011 JUL 11 AM 10: 06
SSDA, LLC and Alan Bybee)) ADMINISTRATIVE ORDER	EPA REGION VISI BEARING CLERK
Respondents.)	

- 1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.
- 2. SSDA, LLC and Alan Bybee (Respondents) are a corporation and an individual, respectively, that own and/or operate the Snake River Mobile Home Park Water System (the system), which provides piped water to the public in Teton County, Wyoming, for human consumption.
- The system is supplied by a groundwater source consisting of one well. The water is treated with chlorine.
- 4. The system has approximately 28 service connections used by year-round residents and/or regularly serves an average of approximately 60 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.
- 5. Respondents are 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
- 6. The drinking water regulations include monitoring requirements. EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

- 7. Respondents are required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement.
- 8. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the

Snake River Mobile Home Park Page 2 of 3

violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

ORDER

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

- 9. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
- 10. Respondents shall direct all reporting required by this Order to:
 - U. S. EPA Region 8 (8P-W-DW) 1595 Wynkoop Street Denver, CO 80202-1129

GENERAL PROVISIONS

- 11. 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.
- 12. Violation of any part of this Order or the drinking water regulations may subject Respondents 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.

Snake River Mobile Home Park Page 3 of 3

Issued: July 11 , 2011.

David Janik, Adting Director Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice

Apturo Palomares, Director

Water Technical Enforcement Program Office of Enforcement, Compliance

and Environmental Justice