

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0014
Aramark Togwotee, LLC,)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
Togwotee Mountain Lodge)
PWS ID # WY5600501)

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. Aramark Togwotee, LLC is a Delaware corporation that owns and/or operates the Togwotee Mountain Lodge Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source under the influence of surface water accessed via three springs and two wells. The water is treated with a five-micron cartridge filter followed by a one-micron cartridge filter, then disinfected by an ultraviolet unit followed by addition of sodium hypochlorite. On June 2, 2005, the EPA sent Respondent a letter with the determination that the System’s source water is groundwater under direct influence of surface water. On May 22, 2007, the EPA approved the treatment process to receive maximum treatment credit for *Cryptosporidium* under the Long Term 2 Enhanced Surface Water Treatment Rule.
4. The System has approximately 69 service connections and regularly serves an average of approximately 270 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.
5. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12), and is 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).
6. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule. 40 C.F.R. § 141.723(d). Respondent received a letter from the EPA on December 6, 2019, and a revised letter on April 12, 2020, which detailed significant deficiencies. The revised letter advised Respondent that corrective actions must be completed within six months. Respondent failed to complete all corrective actions by October 12, 2020, and therefore violated this requirement.
8. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.856(b). Respondent failed to monitor the System's water for total coliform bacteria during February 2019 and therefore violated this requirement. (Note: Respondent did collect the required total coliform samples in March 2019.)
9. Respondent is 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 violation identified in paragraph 8, above, is classified as a violation requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 8 and failed to submit a copy of the public notice and certification to the EPA, and therefore violated these requirements.
10. Respondent is 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). Respondent failed to report the violation cited in paragraph 7, above, to the EPA and therefore violated this requirement.
11. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 8, above, to the EPA and therefore violated this requirement.

ORDER

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

12. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

13. Within **30** calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct the open significant deficiency and shall submit a proposed schedule and plan to the EPA for completion of the required corrective actions specified below. The plan shall include proposed modifications to the System and estimated costs of modifications. The schedule must include a project start date, interim milestone deadlines, and a final compliance deadline (which must be within six months of the project start date). Respondent may not begin construction or modifications to the System before the EPA has approved the schedule. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence of the project's completion to the EPA, including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Action:

- Storage Tank ID: 2 Tanks at 10K Each (ST02). Hatch on Finished Water Storage Tank is not elevated to the required height. The tank hatch must be elevated a minimum of 24 inches above the top of the tank surface or ground surface, whichever is higher. The tank hatches do not meet the 24-inch height requirement of the Wyoming DEQ. Wooden structures covering the hatches do not appear to have a watertight seal.

14. The System must achieve compliance with the open significant deficiency violation by the final compliance deadline specified in the Schedule. If Respondent's plan fails to achieve permanent compliance, the EPA may order further steps, seek penalties for noncompliance, or both.

15. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

16. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must 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, Respondent must report the violation to the EPA within that different period.

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17. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 8, above. Thereafter, following any future violation of Part 141, Respondent 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, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

18. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

19. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals or 15 connections, Respondent must 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-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

20. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, 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 either of these circumstances, Respondent will remain obligated to comply with this Order.

21. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

22. This Order is binding on Respondent, Respondent's successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

23. This Order does 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.

24. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (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; 88 Fed. Reg. at 89309 (December 27, 2023).

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

Issued: January 24, 2024.

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