



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2015 SEP 28 PM 3: 52

FILED  
EPA REGION VIII  
HEARING CLERK

SEP 28 2015

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Little America Hotels & Resorts, Inc.  
Corporation Service Company, Registered Agent  
1821 Logan Avenue  
Cheyenne, Wyoming 82001

Re: Administrative Order issued to Little America Hotels & Resorts, Inc., owner and/or operator of the Little America Hotels & Resorts Public Water System, Wyoming, PWS ID # WY5600097, Docket No. **SDWA-08-2015-0052**

Dear Sir/Madam:

Enclosed is an Administrative Order (Order) issued by the United States 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 Little America Hotels & Resorts, Inc. (Respondent), as owner and/or operator of the Little America Hotels & Resorts Public Water System (System), has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent 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 the System 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.

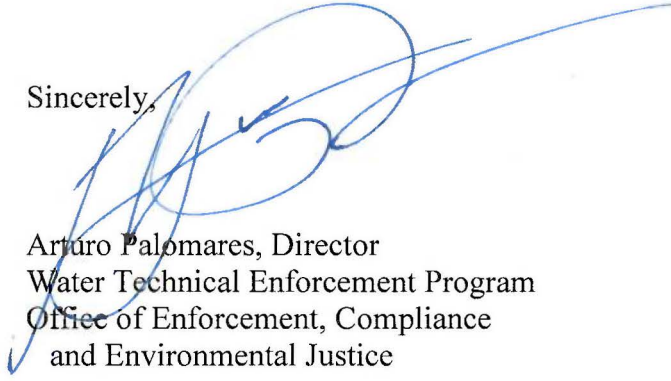
The Order requires the System to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.



To submit information or request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467, or by email at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov). Any questions from the System'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, or by email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov).

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

1. Order
2. Public Notice Template

cc: Mr. B.T. Fery, President  
(via certified mail/return receipt requested)  
Mr. Harry Mansir, Jr. (via email)  
WY DEQ/DOH (via email)  
Ms. Tina Artemis, EPA Regional Hearing Clerk





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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners  
Wally Johnson, Chair  
80 West Flaming Gorge Way, Ste. 109  
Green River, Wyoming 82935

Re: Notice of Safe Drinking Water Act Enforcement Action against the Little America Hotels & Resorts Public Water System, PWS ID # WY5600097, Docket No. **SDWA-08-2015-0052**

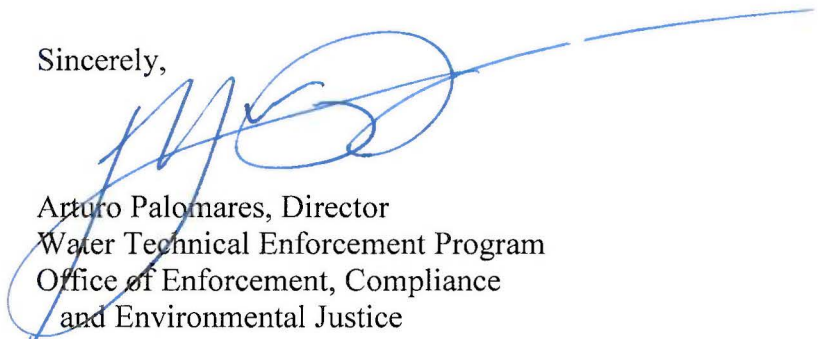
Dear Commissioners:

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 (Order) is being issued to the Little America Hotels & Resorts, Inc. (Corporation), owner and operator of Little America Hotels & Resorts Public Water System (System) located in Sweetwater County, WY. This Order requires that the Corporation 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 disinfection byproducts (DBPs) and exceedance of the MCL for DBPs.

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 this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,



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

Enclosure:  
Order



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2015 SEP 28 PM 3: 52

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
Little America Hotels & Resorts, Inc., )  
 )  
 )  
 )  
Respondent. \_\_\_\_\_ )

Docket No. ~~SDWA-08-2015-0052~~  
**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. Little America Hotels & Resorts, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Little America Hotels & Resorts Public Water System (System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.

3. The System is supplied by a surface water source which is treated with ultrafiltration and disinfection.

4. Respondent is required to monitor disinfection byproducts in accordance with the System's July 18, 2011, Initial Distribution System Evaluation Report (IDSE Report), pursuant to 40 C.F.R. § 141.621.

5. The System has approximately 50 service connections used by year-round residents and/or regularly serves an average of approximately 2000 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 section 1401 of the Act, 42 U.S.C. § 300f.

6. 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).

7. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

8. The maximum contaminant level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/L), based on the locational running annual average (LRAA) of four consecutive quarterly TTHM samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d). The System's LRAA for four consecutive quarterly TTHM samples exceeded 0.080 mg/L at sampling location S2-Truck Shop (S2). Specifically, the System exceeded 0.080 mg/L at S2 for five monitoring quarters<sup>1</sup>, beginning

<sup>1</sup> The 3<sup>rd</sup> quarter of 2014 (which is the 4<sup>th</sup> quarter of 2013 consecutively through the 3<sup>rd</sup> quarter of 2014); the 4<sup>th</sup> quarter of 2014 (1<sup>st</sup> quarter of 2014 through the 4<sup>th</sup> quarter of 2014); the 1<sup>st</sup> quarter of 2015 (2<sup>nd</sup> quarter of 2014 through the 1<sup>st</sup> quarter of 2015); the 2<sup>nd</sup> quarter of 2015 (3<sup>rd</sup> quarter of 2014 through the 2<sup>nd</sup> quarter of 2015); and the 3<sup>rd</sup> quarter of 2015 (4<sup>th</sup> quarter of 2014 through the 3<sup>rd</sup> quarter of 2015).

the 3<sup>rd</sup> quarter of 2014 through the 3<sup>rd</sup> quarter of 2015 and, therefore, Respondent violated the MCL for TTHM.

9. Respondent is required to collect a set of TTHM and haloacetic acids (HAA5) samples in the System's distribution system every 90 days at the locations and dates specified in the IDSE Report. 40 C.F.R. § 141.621. Respondent failed to correctly monitor the System's water for TTHM and HAA5 during April and July of 2014, in accordance with the approved IDSE Report, and, therefore, violated this requirement. Respondent collected sets of TTHM and HAA5 samples in May and August of 2014.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations and, within 10 days after having completed public notice requirements, provide the EPA with a representative copy of each type of public notice that was distributed and a certification of having notified the public in full compliance with the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211 and 40 C.F.R. § 141.31(d). Respondent did not provide the EPA with certified copies of the public notice for the 3<sup>rd</sup> and 4<sup>th</sup> quarter 2014 TTHM MCL violations, cited in paragraph 8, and, therefore, violated these requirements.

11. 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 violations cited in paragraphs 8, 9 and 10, 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):

12. Within 90 days after receipt of this Order, Respondent shall submit to the EPA a proposed plan and schedule to bring the System into and maintain compliance with the TTHM MCL as identified in 40 C.F.R. § 141.64. The plan shall include proposed modifications to the System and estimated costs of such modifications. The schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within one year of the project completion date). The Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's compliance schedule.

13. The schedule required by paragraph 12, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

14. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 12, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM MCL. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.

15. Within 10 days after completing all tasks included in the schedule required by paragraph 12, above, Respondent shall notify the EPA of the project's completion.

16. The System shall achieve compliance with the TTHM MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

17. Respondent shall monitor for TTHM and HAA5 every 90 days at the locations and on the dates identified in the IDSE Report, as required by 40 C.F.R. § 141.621. Respondent shall monitor at the specific locations during the months of January, April, July and October per the IDSE Report. Respondent shall submit the test results and the LRAA compliance calculations to the EPA within 10 days of the end of any quarter in which monitoring is required. 40 C.F.R. § 141.629(a).

18. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a representative copy of each public notice given of the 3<sup>rd</sup> and 4<sup>th</sup> quarter 2014 TTHM MCL violations specified in paragraph 8 and a certification of having provided public notice of each such violation in full compliance with the Drinking Water Regulations, as required by 40 C.F.R. § 141.31(d). Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

19. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent 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 the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

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

21. 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 shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

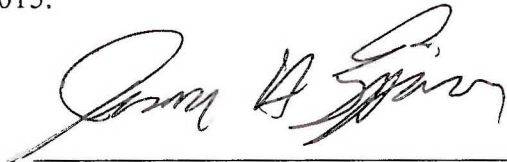
22. Respondent shall send all reporting and notifications required by this Order in writing to:

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

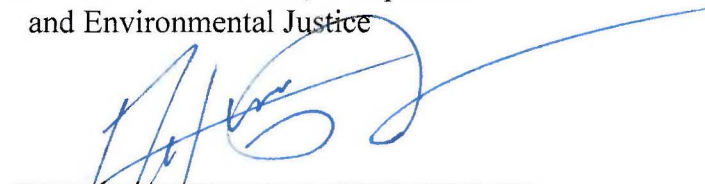
**GENERAL PROVISIONS**

23. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. 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 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.
25. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
26. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 28, 2015.



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



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



# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

\_\_\_\_\_ Has Levels of Disinfection Byproducts (DBPs)  
(Name of Water System/Business)  
Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to monitor your drinking water for the presence of disinfection byproducts (DBPs) on a quarterly basis. The DBPs test results from the last four (4) quarters that ended on \_\_\_\_\_ show that our system exceeds the standards, or maximum contaminant levels (Month/Date/Year) (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (HAA5). MCLs for TTHM and HAA5 are calculated based on locational running annual averages (LRAA) of samples collected from the last four (4) quarters. The LRAA of TTHM at \_\_\_\_\_ is at \_\_\_\_\_ mg/L, (location) and HAA5 at \_\_\_\_\_ is at \_\_\_\_\_ mg/L. These values exceed the respective MCLs (location) for TTHM of 0.080 mg/L and HAA5 of 0.060 mg/L.

## What should I do?

At this time, **no** alternative source of water is necessary. However, if you have any specific health concerns, consult your doctor.

## What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Some people who drink water containing trihalomethane in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

## What Happened? What is being done?

When disinfectants are used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form DBPs. We are taking/have taken the following corrective actions: \_\_\_\_\_

We anticipate resolving the problem within \_\_\_\_\_ (Estimated time frame)

If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_, (Name of water system contact) (Phone number)

or \_\_\_\_\_ (Mailing address of PWS contact)

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

**Date distributed:** \_\_\_\_\_

**Public Water System ID#** \_\_\_\_\_



**ATTENTION: PWS Operator/Responsible Party**

Tier 2 public notice (PN) must be provided as soon as practical, but no later than 30 days after you learn of the violation (141.203(b)). The PN must remain in place for as long as the violation or situation persists, but in no case for less than seven days. The PN must be repeated every three months as long as the violation or situation persists.

Community systems must use one of the following methods of delivery (141.203(c)(1)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods of delivery (141.203(c)(2)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.203(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

**Corrective Actions**

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

**After Issuing the Notice**

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

PN RULE MANAGER  
 US EPA REGION 8  
 PUBLIC WATER SYSTEM PROGRAM - 8P-W-DW  
 1595 Wynkoop Street  
 DENVER CO 80202-2466

Or, you can fax a copy to **1-(877) 876-9101**.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued  
(PWS Operator/Responsible Party)

from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_