

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 JAN 13 AM 8:13

FILED
EPA REGION VIII
HEARING CLERK

_____)
 IN THE MATTER OF)
)
 Grand Teton Reservations, LLC)
 Jackson, Wyoming)
)
 Respondent.)
)
 Proceedings under § 1414(g))
 of the Safe Drinking Water Act,)
 42 U.S.C. § 300g-3(g))
 _____)

Docket No. SDWA-08-2011-0012

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

COMPLAINT

This civil administrative Complaint and Notice of Opportunity for Hearing (complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by § 1414(g)(3) of the Safe Drinking Water Act, as amended (the SDWA), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under § 1414(g)(1) of the SDWA.

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 (Consolidated Rules of Practice).

(Complainant's Exhibit 1).

GENERAL ALLEGATIONS

The following general allegations apply to each count of this complaint:

1. Grand Teton Reservations, LLC (Respondent) is a corporation and therefore a “person” as that term is defined in § 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Elk Refuge Inn Water System (the System), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a “public water system” as that term is defined in § 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a “non-community water system” as that term is defined in § 1401(16) of the SDWA, 42 U.S.C. § 300f(16), and 40 C.F.R. § 141.2.
4. As an owner and/or operator of a public water system, Respondent is a “supplier of water” as that term is defined in § 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs).
5. The source of the System’s water is ground water from a well.
6. On April 20, 2006, in accordance with § 1414 of the SDWA, 42 U.S.C. §§ 300g-3, EPA issued an Administrative Order, Docket No. SDWA-08-2006-0026 (AO #1) to

- Respondent, citing violations of the NPDWRs, including, but not limited to, violating 40 C.F.R. §141.21 by failing to monitor at least once per quarter for total coliform bacteria, and violating 40 C.F.R. § 141.21(g)(2) by failing to notify EPA within ten days of the failures to monitor. (Complainant's Exhibit 2).
7. On May 1, 2007, EPA issued an Administrative Order Violation letter (AOV #1) to Respondent, stating that Respondent had violated the Order by failing to monitor for total coliform bacteria in the fourth quarter of 2006 and failing to report to EPA that it had failed to monitor for coliform bacteria in the fourth quarter of 2006. (Complainant's Exhibit 3). Respondent again violated the Order by failing to monitor for total coliform bacteria in the second quarter of 2008 and failing to report to EPA that it had failed to monitor for coliform bacteria in the second quarter of 2008.
 8. On February 24, 2009, EPA issued a Complaint and Notice of Opportunity for Hearing (APO), Docket No. SDWA-08-2009-0032, to Respondent, for the violations cited in paragraph 7 and proposed a penalty of \$1,000.00. (Complainant's Exhibit 4).
 9. Respondent elected the "Quick Resolution" by paying the full amount of the proposed \$1000.00 penalty. The Regional Judicial Officer issued a Final Order on April 7, 2009, approving the resolution of the APO. (Complainant's Exhibit 5).
 10. On July 28, 2009, EPA issued a second Administrative Order, Docket No. SDWA-08-2009-0070 (AO #2), to Respondent for failing to annually monitor for nitrate contamination in 2006 and 2008 to determine compliance with the nitrate maximum

contaminant level (MCL) in violation of 40 C.F.R. § 141.23(d) and for failing to report those violations to EPA within 48 hours in violation of 40 C.F.R. § 141.31(b).

(Complainant's Exhibit 6).

11. On November 15, 2010, EPA issued a second Administrative Order Violation letter (AOV#2) to Respondent for violations of the AO #1 described in paragraph 6, above. The AOV #2 stated that Respondent had violated AO #1 by failing to monitor for coliform bacteria in the second and third quarters of 2010 and for failing to report those monitoring violations to EPA within the required 10 day time frame. (Complainant's Exhibit 7).

COUNTS OF VIOLATION

Count I

Failure to Monitor for Total Coliform Bacteria

1. The AO#1 (on page 3, in paragraph 1 of the "Order" section) required Respondent to perform quarterly bacteriological monitoring, as required by 40 C.F.R. §141.21.
2. Respondent violated AO#1 by failing to monitor for total coliform bacteria during the second and third quarters of 2010.

Count II

Failure to Report Coliform Monitoring Violation to EPA

1. The AO#1 (on page 4, in paragraph 2 of the "Order" section) required Respondent to comply with 40 C.F.R. §141.21(g)(2) by reporting any total coliform monitoring violation to EPA within ten days after discovering the violation.
2. Respondent violated AO#1 by failing to notify the EPA within ten days that Respondent had failed to monitor for total coliform in second and third quarters of 2010.

PROPOSED ADMINISTRATIVE CIVIL PENALTY

This complaint proposes that EPA assess an administrative penalty to Respondent. EPA is authorized to assess an administrative penalty according to § 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3), for violation of an administrative order issued under § 1414(g)(1) of the SDWA. The amount may be up to \$37,500 or violations occurring after January 12, 2009. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19).

EPA has determined the proposed penalty amount in accordance with § 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondent's degree of willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time, EPA proposes to assess an administrative civil penalty of \$2,000.00 against Respondent for its violations of AO #1.

TERMS OF PAYMENT FOR QUICK RESOLUTION

If Respondent does not contest the findings and penalty proposal set out above, this action may be resolved by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18. If such payment is made within 30 calendar days of receipt of this Complaint, no answer need be filed. For more time for payment, Respondent may file a statement agreeing to pay the penalty within 30 days of receipt of the Complaint, and then pay the money within 60 days of such receipt. Payment shall be made by remitting a cashier's or certified check, including the name and docket number of the case, payable to "**Treasurer, United States of America,**" to:

In the matter of: Grand Teton Reservations, LLC (Elk Refuge Inn)
Page 6 of 9

**US checks by regular
US postal service mail:**

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

**Federal Express, Airborne,
Or other commercial carrier:**

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Wire transfers:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read
“D 68010727 Environmental Protection Agency “

On Line Payment:

WWW.PAY.GOV
Enter sfo 1.1 in the search field

A copy of the check or wire transfer shall be simultaneously sent to:

Kathelene Brainich (8ENF-W)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Payment of the penalty in this manner does not relieve Respondent of its obligation to comply with the requirements of the statute and regulations. Payment of the penalty in this manner shall constitute consent by Respondent to the assessment of the proposed penalty and a waiver of Respondent's right to a hearing on this matter.

OPPORTUNITY TO REQUEST A HEARING

As provided in § 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), Respondent has the right to request a public hearing to contest any material fact alleged in this complaint, to contest the appropriateness of the proposed penalty and/or to assert that it is entitled to judgment as a matter of law.

If Respondent wishes to request a hearing, Respondent must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondent has an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c), in which to file its answer.

If Respondent requests a hearing in its answer, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondent has the right under the SDWA to elect a hearing on the record in accordance with § 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.* To exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will recaption the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to the EPA Regional Hearing Clerk at the following address:

In the matter of: Grand Teton Reservations, LLC (Elk Refuge Inn)
Page 8 of 9

Tina Artemis
Region 8 Hearing Clerk (8RC)
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202

A copy of the answer must also be sent to the attorney whose name and address are provided in the signature block at the end of this complaint.

FAILURE TO FILE AN ANSWER

If Respondent does not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint, Respondent may be subject to a default order requiring payment of the full penalty proposed in this complaint.

EPA may obtain a default order according to 40 C.F.R. § 22.17.

REQUIREMENTS FOR ANSWER

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which Respondent has any knowledge. The answer must state (1) any circumstances or arguments which Respondent alleges to constitute grounds of defense, (2) any facts Respondent disputes, (3) whether and on what basis Respondent opposes the proposed penalty, and (4) whether Respondent requests a hearing.

Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of that allegation.

SETTLEMENT CONFERENCE

EPA encourages exploring settlement possibilities through an informal settlement conference. Filing an answer does not preclude settlement negotiations. **However, failing to**

file a timely answer may lead to a default order, even if Respondent requests, schedules, or participates in a settlement conference.

If a settlement can be reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions that Respondent may have regarding this complaint, should be directed to the attorney named below.

Dated this 13th day of January, 2011.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant



for

Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice



Marc Weiner
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Telephone Number: (303) 312-6913
Facsimile Number: (303) 312-7202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED and by regular U.S. mail:

Western Wyoming Corporate Services, Inc., Registered Agent for
Grand Teton Reservations, LLC
180 S. Cache Street
P.O. Box 8498
Jackson, WY 83002

Date: 1/13 | 2011

By: Judith McTernan
Judith McTernan

In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #1
40 C.F.R part 22

§21.13

approve or disapprove the State issued statement, in accordance with the requirements of §21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with §21.5, on any such statement.

(i) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

- Sec.
22.1 Scope of this part.
22.2 Use of number and gender.
22.3 Definitions.
22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
22.5 Filing, service, and form of all filed documents; business confidentiality claims.
22.6 Filing and service of rulings, orders and decisions.
22.7 Computation and extension of time.
22.8 Ex parte discussion of proceeding.
22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
22.11 Intervention and non-party briefs.
22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
22.14 Complaint.
22.15 Answer to the complaint.
22.16 Motions.
22.17 Default.
22.18 Quick resolution; settlement; alternative dispute resolution.
22.19 Prehearing information exchange; prehearing conference; other discovery.
22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
22.22 Evidence.
22.23 Objections and offers of proof.
22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
22.25 Filing the transcript.
22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
22.28 Motion to reopen a hearing.

In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #2
April 20, 2006 AO (Coliform)



7505 860 000 2004
82
Exhibit 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-W

APR 20 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald L. Miller, Registered Agent
Grand Teton Reservations, LLC
POB 12739
Jackson, WY 83002

Re: Administrative Order
Docket No. SDWA-08-2006-0026
PWS ID #5600999-Elk Refuge Inn

Dear Mr. Miller:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Grand Teton Reservations, LLC ("LLC") is a supplier of water as defined by the SDWA and that the LLC has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a) and 141.21(g)(2) for failing to monitor for total coliform at the Elk Refuge Inn and for failing to report SDWA violations to EPA.

If the LLC complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

While public notice for the monitoring violations in the Order are not past due, to remain in compliance with the SDWA public notice of the violations must be completed by June 2006. Attached is a public notice template to assist you in completing the notice.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small

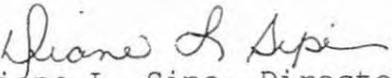


entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Marc Weiner, Enforcement Attorney, at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,


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

Enclosures
Order
SBREFA
Funding Brochure

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2006 APR 20 AM 10:42

IN THE MATTER OF)
)
Grand Teton Reservations, LLC)
Elk Refuge Inn)
Jackson, Wyoming)
Respondent)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0026

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Grand Teton Reservations, LLC (Respondent) is a corporation under the laws of the State of Wyoming as of June 23, 1997 and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Elk Refuge Inn Water System (the System), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals

daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a July 9, 2002 sanitary survey by an agent for EPA, the System is supplied by a groundwater source consisting of one well with no treatment. The System serves approximately 66 persons per day through 1 service connection and is operational all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires any non-community public water system with an average daily population of less than 1,001 and having a groundwater source to monitor its water at least once per quarter to determine

compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 2nd (April-June) and 4th (October-December) quarters of 2005, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21(g)(2) requires any public water system that has failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after Respondent discovers the violation.
3. Reporting requirements specified in this Order shall be provided by certified mail to:

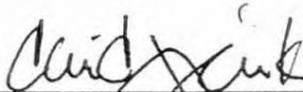
U.S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, CO 80202-2466

GENERAL PROVISIONS

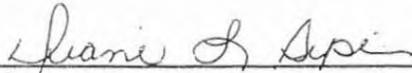
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 20th day of April, 2006.



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



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

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
ELK REFUGE INN
Monitoring Requirements Not Met**

Our water system had violated several drinking water standards. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2005 we did not complete all monitoring or testing for bacteriological quality and therefore cannot be sure of the quality of our drinking water during that time.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the last year, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
bacteriological	quarterly	0	2 nd and 4 th quarters of 2005	1 st and 3 rd quarters of 2005

What happened? What is being done? Will sample as required in future.
Call Diana Joy at 307-733-4969 if you have questions.

Please share this information with all the other people who drink this water. You can do this by posting this notice in a public place or distributing copies by hand or mail. Note: send copy to EPA after public notice is complete with the date distributed and signature.

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

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

Non-community systems must use one of the following (141.204(c)):

- 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 (141.204(c)). Such methods could include newspapers, e-mail, 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 (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING



In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #3
May 1, 2007 AOV Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY R/LW

REGION 8
999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

EXHIBIT 3

2007 MAY -1 PM 1:52

MAY 1 2007

CERTIFIED MAIL 7005-0390-0000-4848-3302
RETURN RECEIPT REQUESTED

EPA REGION VIII
HEARNS CLERK

Ronald L. Miller, Registered Agent
Grand Teton Reservations, LLC
POB 12739
Jackson, WY 83002

Re: Administrative Order
Docket No. SDWA-08-2006-0026
PWS ID #5600999-Elk Refuge Inn

On April 20, 2006, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2006-0026, ordering Grand Teton Reservations, LLC (GTR), as owner/operator of Elk Refuge Inn, to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141.

Our records indicate that GTR is in violation of the Administrative Order ("the Order"). Among other things, the Order included the following requirements:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

EPA has not received bacteriological monitoring results for 4th (October-December) quarter 2006. **If monitoring has been performed, submit results to EPA immediately. If monitoring was not done, public notice of this violation must be completed.**

2. Upon the effective the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

EPA has no record of Elk Refuge Inn reporting the failure to monitor for 4th quarter 2006 bacteriological quality violation.

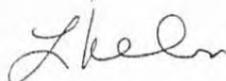


EPA is considering additional enforcement action as a result of non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions you may contact Kathelene Brainich at (303) 312-6481. If you are represented by an attorney, please ask your attorney to direct any legal questions to Marc Weiner, Enforcement Attorney, at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: WY DEQ and DOH (via email)
David Capp, Operator, Elk Refuge Inn



In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #4
February 24, 2009 APO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 FEB 24 AM 10:14

IN THE MATTER OF)
)
Grand Teton Reservations, LLC)
Jackson, Wyoming)
) Docket No. **SDWA-08-2009-0032**
)
Respondent) **COMPLAINT AND NOTICE OF**
) **OPPORTUNITY FOR HEARING**
Proceedings under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. §300g-3(g))
_____)

COMPLAINT

This civil administrative Complaint and Notice of Opportunity for Hearing ("complaint") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by section 1414(g)(3) of the Safe Drinking Water Act, as amended (the "SDWA"), 42 U.S.C. §300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under section 1414(g)(1) of the SDWA.

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 ("Consolidated Rules of Practice")(Complainant's Exhibit 1).

GENERAL ALLEGATIONS

The following general allegations apply to each count of this complaint:

1. Grand Teton Reservations, LLC (“Respondent”) is a corporation and therefore a “person” as that term is defined in section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and 40 C.F.R. §141.2.
2. Respondent owns and/or operates a system, the Elk Refuge Inn Water System (the “System”), located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a “public water system” as that term is defined in section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and a “non-community water system” as that term is defined in section 1401(16) of the SDWA, 42 U.S.C. §300f(16), and 40 C.F.R. §141.2.
4. As an owner and/or operator of a public water system, Respondent is a “supplier of water” as that term is defined in section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2. Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. §300g et seq., and its implementing regulations, 40 C.F.R. part 141 (also known as the “National Primary Drinking Water Regulations” or “NPDWRs”).
5. The source of the System’s water is ground water from a well.
6. On April 20, 2006, in accordance with section 1414 of the SDWA, 42 U.S.C. §§300g-3, EPA issued an Administrative Order, Docket No. SDWA-08-2006-0026 (the “Order”) to

Respondent, citing violations of the NPDWRs, including, but not limited to, violating 40 C.F.R. §141.21 by failing to monitor at least once per quarter for total coliform bacteria, and violating 40 C.F.R. §141.21(g)(2) by failing to notify EPA within ten days of the failures to monitor.

7. A copy of the Order is attached to this complaint (Complainant's Exhibit 2).
8. On May 1, 2007, EPA issued an Administrative Order Violation letter to the Respondent, stating that the Respondent had violated the Order by failing to monitor for coliform in the fourth quarter of 2006 and failing to report to EPA that it had failed to monitor for coliform in the fourth quarter of 2006.
9. A copy of the May 1, 2007 letter is attached to this complaint (Complainant's Exhibit 3).

COUNTS OF VIOLATION

Count I **Failure to Monitor for Total Coliform**

1. The Order (on page 3, in paragraph 1 of the "Order" section) required Respondent to perform quarterly bacteriological monitoring, as required by 40 C.F.R. §141.21.
2. Respondent violated the Order by failing to monitor for total coliform bacteria during the fourth quarter of 2006, and the second quarter of 2008.

Count II **Failure to Report Coliform Monitoring Violation to EPA**

1. The Order (on page 4, in paragraph 2 of the "Order" section) required Respondent to comply with 40 C.F.R. §141.21(g)(2) by reporting any total coliform monitoring violation to EPA within ten days after discovering the violation.

2. The Respondent violated the Order by failing to notify the EPA that the Respondent had failed to monitor for total coliform in the fourth quarter of 2006, and the second quarter of 2008.

PROPOSED ADMINISTRATIVE CIVIL PENALTY

This complaint proposes that EPA assess an administrative penalty to Respondent. EPA is authorized to assess an administrative penalty according to section 1414(g)(3) of the SDWA, 42 U.S.C. §300g-3(g)(3), for violation of an administrative order issued under section 1414(g)(1) of the SDWA. The amount may be up to \$27,500 for violations occurring after March 15, 2004 through January 12, 2009, and \$32,500 for violations occurring after January 12, 2009. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19. (See 74 Fed. Reg. 626, January 7, 2009).)

EPA has determined the proposed penalty amount in accordance with section 1414 of the SDWA, 42 U.S.C. §300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondent's degree of willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time, EPA proposes to assess an administrative civil penalty of \$1,000.00 against Respondent for its violations of the Order.

OPPORTUNITY TO REQUEST A HEARING

As provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. §300g-3(g)(3)(B), Respondent has the right to request a public hearing to contest any material fact alleged in this

complaint, to contest the appropriateness of the proposed penalty and/or to assert that it is entitled to judgment as a matter of law.

If Respondent wishes to request a hearing, Respondent must file a written answer in accordance with 40 C.F.R. §§22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondent has an additional five (5) calendar days, pursuant to 40 C.F.R. §22.7(c), in which to file its answer.

If Respondent requests a hearing in its answer, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondent has the right under the SDWA to elect a hearing on the record in accordance with section 554 of the Administrative Procedure Act, 5 U.S.C. §§551 et seq. (“APA”). To exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. §554. Upon such request, the Regional Hearing Clerk will recaption the pleadings and documents in the record as necessary. (See 40 C.F.R. §22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to the EPA Regional Hearing Clerk at the address below:

Tina Artemis
Region 8 Hearing Clerk (8RC)
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202

A copy of the answer must also be sent to the attorney whose name and address are provided in the signature block at the end of this complaint.

FAILURE TO FILE AN ANSWER

If Respondent does not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint, Respondent may be subject to a default order requiring payment of the full penalty proposed in this complaint.

EPA may obtain a default order according to 40 C.F.R. §22.17.

REQUIREMENTS FOR ANSWER

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which Respondent has any knowledge. The answer must state (1) any circumstances or arguments which the Respondent alleges to constitute grounds of defense, (2) any facts the Respondent disputes, (3) whether and on what basis the Respondent opposes the proposed penalty, and (4) whether the Respondent requests a hearing. **Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of that allegation.**

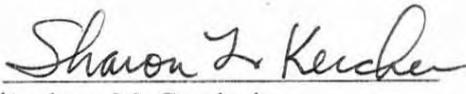
SETTLEMENT CONFERENCE

EPA encourages exploring settlement possibilities through an informal settlement conference. Filing an answer does not preclude settlement negotiations. **However, failing to file a timely answer may lead to a default order, even if Respondent requests, schedules, or participates in a settlement conference.**

If a settlement can be reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions that Respondent may have regarding this complaint, should be directed to the attorney named below.

Dated this 20th day of February, 2009.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8
Complainant.


for Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice


Marc Weiner
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Telephone Number: (303) 312-6913
Facsimile Number: (303) 312-7202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent to the following by CERTIFIED MAIL/RETURN RECEIPT REQUESTED and by regular U.S. mail:

Western Wyoming Corporate Services, Inc., Registered Agent
Grand Teton Reservations, LLC
235 E. Broadway, P.O. Box 8498
Jackson, WY 83002

Date: 2/24/09

By: Judith McTernan
Judith McTernan

In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #5
April 7, 2009 Final Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
Denver, CO 80202-1199
Phone 800-227-8917
http://www.epa.gov/region08

DOCKET NO.: SDWA-08-2009-0032

IN THE MATTER OF:)
)
GRAND TETON RESERVATIONS, LLC.) FINAL ORDER
)
)
RESPONDENT)

Pursuant to Section 22.18(a) of the United States Environmental Protection Agency's ("EPA"), Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. §22.18(a), the respondent has elected the "Quick Resolution" of this matter by payment of the full penalty proposed in the complaint. Full payment of the \$1,000.00 proposed penalty has been received by the Agency.

The subject complaint does not seek a Compliance or Corrective Action Order, or Permit Action; and the proceeding is not subject to the public comment provisions of §22.45 of the Consolidated Rules; therefore, quick resolution is immediately available.

Full payment of the \$1,000.00 penalty proposed in the complaint shall only resolve respondent's liability for Federal civil penalties for the violations and facts alleged in the complaint.

Payment of the penalty shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive, or other equitable relief, or criminal sanctions for any violations of the law.

Payment of the penalty shall constitute a waiver of respondent's right to contest the allegations and to appeal the final order.

This final order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of the Act and regulations promulgated thereunder.

This Final Order constitutes the final Agency action in this matter and is effective upon filing.

SO ORDERED THIS 7th Day of April, 2009.

Elyana R. Suth Regional Judicial Officer

In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #6
July 28, 2009 AO (nitrate)



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

JUL 28 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Hank Phibbs, Chair
POB 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Grand Teton Reservations, LLC
Elk Refuge Inn, PWS ID# 5600999

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 Grand Teton Reservations, LLC, as the owner/operator of the Elk Refuge Inn located in Jackson, 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. The violations include failure to monitor for nitrate contamination and failure to notify EPA of the violation.

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



Printed on Recycled Paper

Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913, or (303) 312-6193.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order
Information sheet

cc: WY DEQ/DOH (via email)
Violeta Tanase, Elk Refuge Inn
Tina Artemis, EPA Regional Hearing Clerk



§ 141.31(a). Respondent monitored for nitrate on March 19, 2009, and has, therefore, fulfilled the 2009 monitoring requirements.

6. Respondent shall report any violation of nitrate monitoring requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

7. All reporting required by this Order shall be directed to:

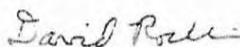
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

8. 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.

9. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 28th day of July, 2009.



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

In the matter of: Grand Teton Reservations, LLC

Complainant's Exhibit #7
November 15, 2010 AOV Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2010 NOV 15 AM 11:21

Ref: 8ENF-W

NOV 15 2010

EPA REGION 8
DENVER, CO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Western Wyoming Corporate Services, Inc.
Registered Agent, Grand Teton Reservations, LLC
POB 8498
Jackson, WY 83002

Re: Administrative Order Violation
Docket No. SDWA-08-2006-0026
PWS ID #5600999-Elk Refuge Inn

Dear Registered Agent:

On April 20, 2006, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order ordering Grand Teton Reservations, LLC (GTR), as owner/operator of Elk Refuge Inn, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq.

Our records indicate that GTR (Respondent) is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 1 and 2 on pages 3 and 4 of the Order):

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

EPA has not received total coliform analytical results for the 2nd (April-June) and 3rd (July-September) quarters 2010.

2. Upon the effective the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the Respondent discovers the violation.

GTR did not report the total coliform failure to monitor violations until October 17, 2010.

Received
Western Wyoming
Corporate Services, Inc.
Registered Agent
Date: 11/19/10
10:30am
Printed on Recycled Paper