



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING CLERK

NOV 20 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Holli and Wayne Jones, Owners
Deer Haven Lodge
7558 US Hwy 16
Buffalo, Wyoming 82834

Re: Administrative Order Violation, Deer Haven Lodge Public Water System,
PWS ID #WY5600565, Docket No. SDWA-08-2019-0028

Dear Mr. and Ms. Jones:

On June 26, 2019, the U.S. Environmental Protection Agency issued an Administrative Order (Order), Docket No. SDWA-08-2019-0028, directing you, referenced in the Order as the Respondents, as owners and operators of the Deer Haven Lodge Public Water System, to comply with various drinking water regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (quoted from paragraphs 13 and 15 on pages 2 and 3 of the Order), which have not been fulfilled:

- Within 120 days of receipt of this Order, Respondent shall complete corrective action of the following significant deficiencies and notify the EPA within 30 days after their completion. Respondents shall provide sufficient evidence to the EPA including photographs, of the corrective actions. Thereafter, Respondents shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).
 - Spring hatches and collection chambers:
 - Spring collection chamber overflow screening improvement needed: The overflow pipe must have a #24-mesh screen on the exterior discharge ends to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The modified overflow design must also still freefall at least 12 inches above ground.
 - Spring collection chamber not watertight: The chamber must be watertight to prevent inflow of unwanted surface water.
 - Spring hatch/entry improvement needed: Spring hatches must be fitted with a solid, watertight cover with a rubber gasket.

- Spring collection area and collection chamber/box not fenced to keep large animals away: The spring collection area and collection chamber/box must be enclosed by a fence to prevent stock and large wildlife from entering the spring area. Existing fence must be repaired.
 - No emergency response plan (ERP): Complete an Emergency Response Plan (ERP). Enclosed is an ERP form to fill out and return to the EPA to address this deficiency.
 - Deer Haven Spring is potentially ground water under the direct influence of surface water (GWUDISW). After completing any structural improvements to the spring system to minimize surface water intrusion, as identified by the significant deficiencies above, Respondents shall allow an EPA contractor to conduct a raw water microscopic particulate analysis (MPA) in the spring or fall. The MPA must be collected during a “wet season” during the time when the spring is most susceptible to surface water influence (typically when a heavy rain or snow event occurs in spring or fall). Respondents shall be responsible for shipping and analysis costs associated with the MPA. The first MPA was conducted in 2005 and the second was conducted in 2007. The third MPA must be conducted in 2019.
- Within 30 days after receipt of Order, Respondents shall notify the public of the violations cited in paragraph 8, above. Respondents shall repeat the notice every three months as long as the violation persists. 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>. Within 10 days after providing public notice, Respondents shall submit a copy of the notice and certification to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. The public notice for the violation cited in paragraph 7, failure to monitor for nitrate in 2018, is not due until December 31, 2019.

The aforementioned corrective actions were not completed within 120 days of receipt of this Order. The MPA has not been scheduled to be collected in 2019. You have not notified the public of the significant deficiency violations and provided the EPA with a copy of the notice and certification.

The EPA is considering additional enforcement action as a result of non-compliance with the Order. Violating the Order may lead to (1) a penalty of up to \$57,317 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

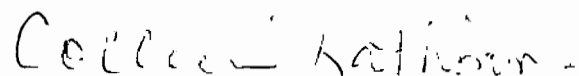
You must complete the following: Within 30 days of receipt of this Administrative Order Violation, notify the public of the significant deficiency violations and provide the EPA with a copy of the notice and certification; repeat the notice every three months as long as the violation persists. By July 1, 2020, complete corrective action of the aforementioned significant deficiencies, and provide sufficient evidence to the EPA including photographs, of the corrective actions. Notify the EPA within 30 days after the completion of the corrective actions.

If you have any questions, please contact Steven Latino at (303) 312-6440 or (800) 227-8917 extension 312-6440. If you are represented by an attorney, please ask the attorney to direct any questions or comments to Matthew Castelli, Assistant Regional Counsel, at (303) 312-6491 or at the following address:

Matthew Castelli, Assistant Regional Counsel
U.S. EPA, Region 8 (8ORC-R)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



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

cc: WY DEQ and DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk
Washakie County Commissioners (terrywolf@washakiecounty.net)
Traci Weaver, District Ranger, USDA Forest Service (traci.weaver@usda.gov)
Gayle Laurent, USDA Forest Service (gayle.laurent@usda.gov)

Instructions for GWR Failure to Take Corrective Action Within Required Time

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

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

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Send a copy to EPA Region 8 Drinking Water Unit (8WP-SDA), Attn: GWR Manager, 1595 Wynkoop Street, Denver, CO 80202 or email a copy of the PN and the certification to R8DWU@epa.gov.

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

**GWR Failure to Take Corrective Action Within Required Time Frame
Public Notice**

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**_____ (PWS Name) Failed to Correct a Significant Deficiency
Within Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

A routine sanitary survey conducted on (provide survey date) _____ by the Environmental Protection Agency Region 8 (EPA) found (describe significant deficiency in our water system) _____

As required by EPA's Ground Water Rule, we were required to take action to correct this deficiency. However, we failed to take this action by the deadline established by EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.
Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. **These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.**

What is being done?

(Describe corrective action) _____

We anticipate resolving the problem within (estimated time frame) _____.
For more information, please contact (name of system contact) _____ at (phone number) _____
or (mailing address) _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by (system name) _____.
Public Water System ID#: _____.
Date distributed: _____.

Emergency Response Plan for Transient Ground Water Systems

All public water systems must have an Emergency Response Plan (ERP) that details emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. When a sanitary surveyor conducts a sanitary survey on your system they will ask if you have an ERP. Please fill this form out now, and keep it handy.

System Name: _____
Public Water System (PWS) Number: WY56 _____
Operator Name/Cell #: _____
Back-up Operator Name/Cell #: _____
Owner Name/Cell #: _____
Population Served: _____ Number of Service Connections: _____
Chemicals Used to Treat the Water: _____
Name/# of Chemical Supplier: _____

Life Threatening Emergency #: _____
County Sheriff #: _____
Critical/Vulnerable Customer Contact #s: _____

EPA Emergency Contact (Monday - Friday 9-4 pm Mountain Time) #: 1-800-227-8917
EPA After Hours Emergency Contact #: 1-800-424-8802 (Inform the operator you are a drinking water system operator in EPA Region 8)

Wyoming Association of Rural Water Systems #: 307-436-8636
WY DEQ District Engineer Name and #: _____
Alternate Sources of Drinking Water _____
Power Company #: _____ Electrician #: _____
Plumber #: _____ Parts Supplier #: _____
Wyoming Water Agency Response Network #: 307-235-7535 Website: www.wyowarn.org

LOSS OF PRESSURE/WATER OUTAGE ACTION PLAN***

WATER CONTAMINATION ACTION PLAN***

Shut-off valve location and instructions: _____

Location of spare or repair parts: _____

Please see the following website for more detailed information on Emergency Response for Drinking Water and Wastewater Utilities: <https://www.epa.gov/waterutilityresponse>
**ALWAYS CALL THE EPA TOTAL COLIFORM RULE OR GROUND WATER RULE MANAGER
IF YOU HAVE A TOTAL COLIFORM RULE (TCR) POSITIVE/UNSAFE SAMPLE AT 1-800-227-8917**

***Emergency preparedness assistance, Public Notices for Loss of Pressure, Boil Orders, Do Not Drink, etc., can be found at: <https://www.epa.gov/region8-waterops/emergency-preparedness-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>



EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to “*What You Need to Do Next with Monitoring Requirements*” which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible! This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10th of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: r8dwu@epa.gov or faxed to: 1-877-876-9101

Where to Sample – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

Surface Water Treatment Rule – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

Total Coliform Rule

- Anytime you have a *E.coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTCR Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in “*Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip*”, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2> , together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

Nitrates – This is an acute contaminant. If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

Other Rules - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

Drinking Water Online - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

Drinking Water Watch - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwiser8.epa.gov/Region8DWWPUB/default.jsp>

Emergencies (After Hours) - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.