



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2018 OCT 31 AM 11:09

OCT 31 2018

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen VanValkenburgh, Registered Agent
American Baptist Churches of the Rocky Mountains
9085 E Mineral Circle, Suite 170
Centennial, Colorado 80112

Re: Administrative Order regarding Camp Wyoba and Lions Club Public Water System,
PWS ID # WY5600685, Docket No. **SDWA-08-2019-0001**

Dear Ms. VanValkenburgh:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 the American Baptist Churches of the Rocky Mountains (ABC) as the owner and/or operator of the Camp Wyoba and Lions Public Water System (System), has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

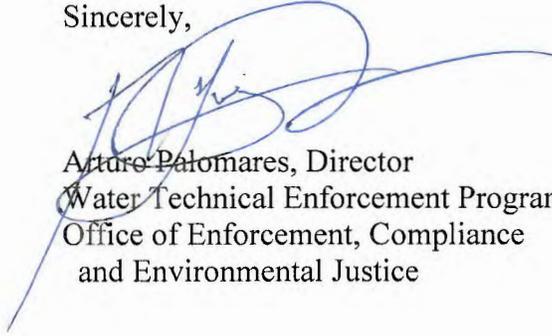
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information ABC believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, etc.). If the EPA does not hear from ABC, the EPA will assume this information is correct.

If ABC complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties and/or a federal court injunction ordering compliance.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal via email at carballal-broome.christina@epa.gov or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosure

cc: WY DEQ/DOH (via email)
Gary Hazen, Camp Administrator (ghazen@tribcsp.com and wyoba@abcrm.org)
Natrona County Commissioners (mmaines@natronacounty-wy.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF: _____)
)
American Baptist Churches of the Rocky Mountains)
(Camp Wyoba and Lions Club Public Water System))
PWS ID # WY5600685)
)
Respondent _____)

2018 OCT 31 AM 11:09

Docket No. **SDWA-08-2019-0001**

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

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. American Baptist Churches of the Rocky Mountains (Respondent) is a Colorado corporation that owns and/or operates the Camp Wyoba and Lyons Club Public Water System (System), which provides piped water to the public in Natrona County, Wyoming, for human consumption.
3. The System accesses water via a spring which is supplied by a groundwater source under the direct influence of surface water (based upon a microscopic particulate analysis performed in 1995). The water is treated by disinfection and filtration.
4. The System has approximately 14 service connections and/or regularly serves an average of approximately 100 individuals daily during the months of June through November. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
5. 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).
6. 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

7. Respondent is required to monitor the System’s water annually for nitrate at every entry point to the distribution system which is representative of each source after treatment. 40 C.F.R. § 141.23(a) and (d). Respondent failed to monitor the System’s water for nitrate during 2017 and, therefore, violated this requirement. Respondent did monitor for nitrate on July 12, 2018.
8. Respondent is required to monitor the System’s water monthly for total coliform bacteria from June through November each year. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during June 2018, and, therefore, violated this requirement. While a total coliform sample was taken on June 7, 2018, it was for the seasonal startup and marked as a ‘special’ purpose sample, therefore, it cannot be used for routine monthly monitoring compliance.

9. Respondent is required to monitor the System's filtered water for turbidity once per day from June through November. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the System's water for turbidity on June 18, 2017, and, therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations and, within 10 days after completing public notice, provide a copy of the public notice to the EPA. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violation cited in paragraph 9, above and/or failed to submit a copy to the EPA, and therefore violated this requirement.

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 7 and 9, above, to the EPA and, therefore, violated this requirement.

12. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 8, above, to the EPA and, therefore, violated this requirement.

ORDER

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):

13. Respondent shall monitor the System's water for nitrate during 2019 and as required by the Drinking Water Regulations thereafter, in accordance with 40 C.F.R. § 141.23(a) and (d). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

14. Respondent shall monitor the System's water monthly for total coliform bacteria from June through November each year. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each routine total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first 10 days following the end of the System's required monitoring period. See 40 C.F.R. § 141.31(a). Respondent shall report any violations of coliform monitoring requirements to the EPA within 10 days of discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

15. Respondent shall monitor the System's filtered water for turbidity a minimum of once per day every day that the System serves water to the public, as required by 40 C.F.R. § 141.74(c)(1). Respondent shall report turbidity measurements to the EPA within 10 days after the end of each month that the System services water to the public, as required by 40 C.F.R. § 141.75(b)(1).

16. Within 30 days of opening in the 2019 season, Respondent shall notify the public of the violations cited in paragraphs 7, 8, and 9, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/public-notification-drinking-water-violations-wyoming-and-tribal-lands-epa-region-8>. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. 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.
17. 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.
18. This Order shall be binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
19. 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, within 10 days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.
20. Respondent shall send all reporting and notifications required by this Order to the EPA at:

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

GENERAL PROVISIONS

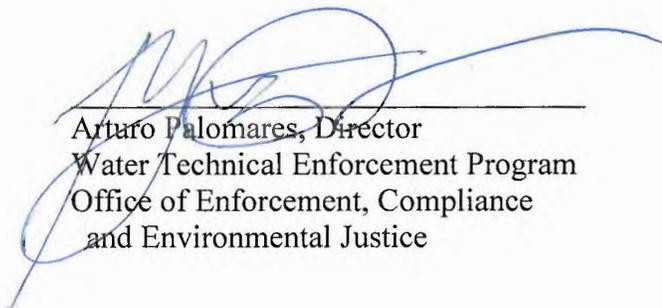
21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).
23. 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).

American Baptist Churches of the Rocky Mountains
Camp Wyoba and Lyons Club Public Water System
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Issued: October 31, 2018.



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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