

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Mountain Man, LLC and) Docket No. SDWA-08-2024-0007
Mr. Ryan Brandt,)
)
Respondents.) **ADMINISTRATIVE ORDER**
)
)
Chief Joseph RV Park)
PWS ID #WY5601552)



1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Mountain Man, LLC, (owner) and Mr. Ryan Brandt (managing member/operator), (Respondents) are a Wyoming limited liability company and individual, respectively, that own and operate the Chief Joseph RV Park Public Water System (System), which provides piped water to the public in Park County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via the Casey Joe Well (WL01). The water is untreated, and the EPA sent Respondents a letter with the determination that the System’s source water is groundwater under direct influence of surface water on August 14, 2018. The System is operated seasonally from June to September.
4. The System has approximately 19 service connections and regularly serves at least 25 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
5. Respondents are a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12), and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to comply with filtration and disinfection requirements as set forth in 40 C.F.R. sections 141.70, 141.72 through 141.76, 141.500 through 141.503, and 141.550 through 141.571. On August 14, 2018, EPA provided Respondents with notice that the Casey Joe Well is ground water under the direct influence of surface water (GWUDI). Pursuant to 40 C.F.R. section 141.73, a GWUDI System has 18-months to meet filtration and disinfection requirements. EPA provided Respondents with notice of this requirement in a letter dated February 27, 2020, which specified the corresponding regulatory 18-month deadline of August 31, 2021. Respondents did not install filtration or meet disinfection requirements by August 31, 2021, and, therefore, violated these requirements.

8. Respondents are required to comply with any interim disinfection requirements EPA deems necessary before filtration is installed. 40 C.F.R. § 141.72. An EPA letter, dated February 27, 2020, provided Respondents with notice that the System must implement interim disinfection measures prior to opening and serving water to the public. Specifically, EPA's letter required Respondents to maintain a chlorine residual of at least 0.2 milligrams per Liter (mg/L) through the distribution system. Additionally, the letter set forth the requirement that Respondents must measure the chlorine residual when the monthly Revised Total Coliform Rule samples are taken and must report to EPA the measured value contained on the chain of custody form sent to the reviewing laboratory. Respondents have not fulfilled any of the interim disinfection measures specified in this paragraph and, therefore, violated these requirements.
9. Respondents are required to monitor the System's water monthly for total coliform bacteria from June to September each year. 40 C.F.R. § 141.853-858. This monitoring schedule followed the July 19, 2021, Seasonal Startup Checklist that indicates the seasonal operation of the System. Respondents failed to monitor the System's water for total coliform bacteria during the months of July 2021, September 2021, and July 2023 and therefore, violated this requirement. Prior to a September 26, 2020, Information Change Form and as described in the April 14, 2016, System activation letter, Respondents were required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondents failed to monitor the System's water for total coliform bacteria during July 2020 and therefore, violated this requirement.
10. Respondents are required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. Prior to opening to the public each year, Respondents must send EPA a signed certification of its completed start-up procedures using the EPA's approved checklist (see link in paragraph 19 below). Respondents failed to complete seasonal start-up procedures and failed to submit a signed copy of the completed checklist to the EPA prior to opening to the public in June 2023 and therefore, violated these requirements.
11. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 7, 8, and 10, above, are classified as a violation requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondents failed to notify the public of the violations cited in paragraph 7, 8 and 10 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
12. Respondents are required to report any failure to comply with any Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time-period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7 and 8, above, to the EPA and therefore, violated this requirement.
13. Respondents are required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondents failed to report the violations listed in paragraphs 9 and 10, above, to the EPA and therefore, violated this requirement.

ORDER

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

14. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

15. Within 30 calendar days after receipt of this Order, Respondents shall provide the EPA with a plan and schedule for Respondents to come into compliance with 40 C.F.R. sections 141.70, 141.72 through 141.76, 141.500 through 141.503, and 141.550 through 141.571. Compliance can be achieved by either: 1) meeting filtration and long-term disinfection requirements that apply to each source that is surface water or groundwater determined to be under the direct influence of surface water; or 2) by switching permanently to an alternate source of water that is not subject to these requirements. The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project in compliance with 40 C.F.R. sections 141.70, 141.72 through 141.76, 141.500 through 141.503, and 141.550 through 141.571. The proposed schedule shall include specific milestone dates and a final compliance date. The schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondents' schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

16. The schedule required by paragraph 15, above, will be incorporated into this Order as containing enforceable requirements upon written approval by the EPA.

- a. Within 30 calendar days after receipt of the EPA's approval of the schedule required by paragraph 15, above, Respondents shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. sections 141.70, 141.72 through 141.76, 141.500 through 141.503, and 141.550 through 141.571. Each quarterly report is due by the 10th calendar day of the month following the end of the relevant quarter.
- b. Respondents must achieve and maintain compliance with 40 C.F.R. sections 141.70, 141.72 through 141.76, 141.500 through 141.503, and 141.550 through 141.571 by the final date specified in the approved schedule. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
- c. Within 10 calendar days after completing all tasks included in the Schedule, Respondents must notify the EPA of the project's completion.

17. Respondents shall, prior to serving water to the public from WL01, meet the interim disinfection requirements of 40 C.F.R. § 141.72. Specifically, Respondents are required to take the following actions:

- a. Implement a course of action to ensure that a minimum chlorine residual of 0.2 mg/L is maintained through the distribution system;
- b. Notify EPA within 10 calendar days of implementation; and
- c. Measure the chlorine residual when each required Revised Total Coliform Rule sample is taken and report the measured value on the chain of custody sent to the laboratory with the sample.

18. Respondents shall monitor the System's water monthly for total coliform bacteria from June through September each year. If the operating season may be different in any year, a seasonal change form must be completed and sent to EPA, <https://www.epa.gov/region8-waterops/pws-seasonal-operational-change-form>. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858.
19. Respondents shall complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. The EPA approved start-up procedures checklist can be found at https://www.epa.gov/sites/production/files/2014-12/documents/rtrc_seasonal_startup_checklist.pdf. Prior to opening to the public each year, Respondents shall send the EPA a signed copy of the completed start-up procedures checklist.
20. Prior to serving water to public for the 2024 season, and every three months during the operating season(s) thereafter as long as the violations cited in paragraphs 7, 8 and 10, above, persist, Respondents shall notify the public of these violations. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
21. Prior to July 31, 2024, Respondents shall notify the public of the July 2023 violation cited in paragraph 9, above. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
22. Respondents shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondents shall report within that different period.
23. Respondents shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).
24. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondents must report the violation to the EPA within that different period.
25. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals or 15 connections, Respondents must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

26. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents will remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov, and
brown.christopher.t@epa.gov

GENERAL PROVISIONS

28. This Order is binding on Respondents, its successors and assigns and his or her assigns and heirs if an individual, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

29. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

30. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$67,544 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 989 (January 6, 2023).

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

Issued: November 29, 2023.

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