



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

2019 DEC 20 AM 10:36

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FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jamie Mackay, Registered Agent
Grand Teton Park, LLC
P.O. Box 1827
Wilson, Wyoming 83014

Re: Administrative Order issued to Grand Teton Park, LLC regarding Grand Teton Park RV Resort Public Water System, PWS ID #5600682, Docket No. **SDWA-08-2020-0012**

Dear Mr. Mackay:

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 Grand Teton Park, LLC (Company), as owner and/or operator of the Grand Teton Park RV Resort Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with the Safe Drinking Water Act.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Company believes the EPA may not have (e.g., any monitoring that may have been done but not submitted). If the EPA does not hear from the Company, the EPA will assume this information is correct. If the Company complies with the Order, the EPA may close the Order without further action.

Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$57,317 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulation. Also enclosed is a public notice template to assist you in addressing the outstanding violations.

If you have any questions or to request an informal conference with the EPA, please contact Olive Wittenberg via email at wittenberg.olive@epa.gov, or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, 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,



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

cc: WY DEQ/DOH (via email)
Teton County Commissioners (mnewcomb@tetonwyo.org)
Melissa Haniewicz, EPA Regional Hearing Clerk
Brandy Larson, operator (brandy@firesidejacksonhole.com)

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF:)

)

) Docket No. **SDWA-08-2020-0012**

)

Grand Teton Park, LLC,)

) ADMINISTRATIVE ORDER

)

Respondent.)

)

Grant Teton Park RV Resort)

)

PWS ID # WY5600682)

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REGION VIII
HEALTHY ENVIRONMENT

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. Grand Teton Park, LLC (Respondent) is a Wyoming corporation that owns and/or operates the Grand Teton Park RV Resort Public Water System (System), which provides piped water to the public in Teton County, Wyoming for human consumption.

3. The System is supplied by a groundwater source accessed via 3 wells. The water is untreated.

4. The System has approximately 198 service connections and regularly serves an average of approximately 502 individuals daily at least 60 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. The System is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.

5. Respondent is a “person” as defined in section 1401 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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during August and November of 2018, and February (1 of 3 samples not submitted), March and April of 2019 and therefore, violated this requirement.

8. Respondent is required to notify the public of certain violations of Part 141 and, within 10 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 paragraph 7, above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the 2018 violations cited in paragraph 7 and/or failed to submit a copy to the EPA and therefore, violated this requirement. The deadline for public notice of the 2019 violations cited in paragraph 7 has not yet passed.

9. Respondent is required to report to the EPA any failure to comply with any total coliform monitoring requirement within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations cited in paragraph 7, above, to the EPA and therefore violated this requirement.

ORDER

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

10. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

11. Respondent shall monitor the System's water monthly for total coliform bacteria. 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 total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report results to the EPA within the first 10 days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

12. For any future violation of Part 141 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 Part 141 specifies a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

13. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 7, above. Template and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms%23new#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

14. 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 ten 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.

15. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
wittenberg.olive@epa.gov

GENERAL PROVISIONS

16. 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.
17. This Order shall 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.
18. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$57,317 (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; 84 Fed. Reg. at 2059 (February 6, 2019).
19. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: December 20, 2019.


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

PUBLIC NOTICE

Date of Release: _____ PWS Number: _____

FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All _____ Water Users
(Name of water system/business)

We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During _____ we did not complete all monitoring for total coliform (compliance period) bacteria and therefore cannot be sure of the quality of our drinking water during that time.

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?

If you have any questions, please contact _____ at _____.
(Water system contact person) (Phone)

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

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.
You may use the above notice sample or write your own but the text in italics must be included in any notification.

PWS Operator/Responsible Party:

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. 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 methods:

- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:

- 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. 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 but in no case less than seven (7) days, even if the violation is resolved. If the violation has been resolved, you must post the notice for at least one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

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.

Send the copy of your notice and dates posted to:

RTCR MANAGER
 US EPA REGION 8
 PUBLIC WATER SYSTEM PROGRAM - 8WD-SDA
 1595 WYNKOOP ST.
 DENVER CO 80202

Or, you can fax a copy to: Attn: RTCR Manager at **877-876-9101**.

If you have questions about your RTCR FTM violation call 1-800-227-8917 and ask to speak with the RTCR Manager.

Certification of Public Notification

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

from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____