

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:

Buffalo Jump Hospitality Partners LLC.

Respondent.

Sand Creek Trading Post

Public Water System

PWS ID #WY5600300

Docket No. SDWA-08-2024-0037

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 official.
2. Buffalo Jump Hospitality Partners LLC (Respondent) is a Wyoming corporation that owns and/or operates the Sand Creek Trading Post Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated.
4. The System has approximately five service connections and regularly serves an average of approximately 36 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. Respondent is 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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. If the System fails to take three total coliform repeat samples within 24 hours following a routine total coliform positive result, Respondent is required to conduct a Level 1 assessment and submit it to the EPA within 30 calendar days of learning of the monitoring results. 40 C.F.R. § 141.859. Respondent failed to conduct a Level 1 assessment after failing to take three repeat samples of the System's water following a positive total coliform sample on September 20, 2022, and therefore violated this requirement.
8. Respondent is required to develop a written total coliform sample siting plan (SSP) that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system by March 31, 2016, and submit it to the EPA for review. 40 C.F.R. § 141.853(a)(1). On February 25, 2016, Respondent submitted an incomplete SSP. EPA requested revisions to the SSP on February 25, 2016, and March 6, 2017. On February 21, 2023, the EPA notified the System again that its SSP was incomplete and requested a revised submission by March 22, 2023. The EPA issued a notice of violation on May 29, 2023, indicating that Respondent's SSP failed to meet the requirements of 40 C.F.R. § 141.853(a)(1) and requiring a revision to the Sample Plan submitted as part of the SSP. The EPA has not received a revised SSP. By failing to submit to the EPA an SSP that meets the requirements of 40 C.F.R. § 141.853(a)(1), Respondent has violated this requirement.
9. If the System does not treat its water to meet at least a 4-log, 99.9% removal of viruses, Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. Respondent must sample each groundwater source and have it analyzed for a fecal indicator (e.g., *E. coli*). 40 C.F.R. § 141.402. Respondent failed to monitor the System's source for a fecal indicator within 24 hours after

being notified on September 22, 2022, that a sample taken on September 20, 2022, was analyzed as total coliform positive, and therefore violated this requirement. 40 C.F.R. § 141.402.

10. 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 October 2022, January 2023, December 2023, March 2024, May 2024, and June 2024, and therefore violated this requirement.
11. 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 well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate in 2023 and therefore violated this requirement. (Note: Respondent did sample for nitrate on March 4, 2024.)
12. Respondent is 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 violation identified in paragraph 7, above, is 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 Respondent failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement.
13. Respondent is 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 9-11, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of violation cited in paragraph 9 and the October 2022 and January 2023 monitoring violations cited in paragraph 10 and failed to submit a copy of the public notice and certification to the EPA. Respondent therefore violated this requirement. (Note: The deadline for public

notice of the December 2023, March 2024, May 2024, and June 2024 violations cited in paragraph 10 and the violation cited in paragraph 11 have not yet passed.)

14. Respondent is 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). Respondent failed to report the violations cited in paragraphs 7-9 and 11, above, to the EPA and therefore violated this requirement.
15. Respondent is 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). Respondent failed to report the violations listed in paragraph 10, 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):

16. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
17. Within 15 calendar days of receipt of this Order, Respondent shall conduct a Level 1 assessment and submit the attached Revised Total Coliform Rule Level 1 assessment form to the EPA. The assessment shall determine the cause of the total coliform positive samples, identify corrective actions for all sanitary defects, and include a proposed schedule (Schedule) and plan for completion of all corrective actions after consulting with the EPA. The Schedule shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA, including photographs of the corrective actions. 40 C.F.R. § 141.859.

18. Following any future instances of the System (1) having two or more total coliform-positive sample results (including routine and repeat samples) within the same month, (2) failing to collect three repeat samples within 24 hours following a total coliform-positive routine sample, (3) having an *E. coli* MCL violation, or (4) triggering a second Level 1 assessment within a rolling 12-month period, Respondent shall conduct the appropriate level of assessment in compliance with 40 C.F.R. § 141.859.
19. Within 30 calendar days of receipt of this Order, Respondent shall develop a revised written total coliform sample siting plan and submit it to the EPA for review. The plan must identify sampling sites (both routine and repeat) and a sample collection schedule that is representative of water throughout the distribution system, as required by 40 C.F.R. § 141.853(a)(1). A template for the chart and map can be found at <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-sample-siting-plan>.
20. Within 24 hours of being notified that a routine total coliform monitoring result is positive, Respondent shall conduct triggered source water monitoring as required by 40 C.F.R. § 141.402. If the sample is negative, Respondent shall report that result to the EPA no later than 10 calendar days after the end of the month in which the sample is taken. If a sample is *E. coli* positive, Respondent shall notify the EPA immediately for appropriate assistance 40 C.F.R. § 141.403(a)(4). Respondent shall comply with the treatment technique requirements, according to 40 C.F.R. § 141.403(a), and providing appropriate public notification pursuant to 40 C.F.R. § 141.402(g) within 24 hours as required by 40 C.F.R. § 141.202(b)(1). Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result, Respondent shall specify that it is a triggered source water sample. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

21. 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 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
22. Respondent shall monitor the System's water for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and (d). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
23. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 7, above, persists, Respondent shall notify the public of the violation. 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 calendar days after providing public notice, Respondent 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>.
24. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 9-11, above. 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 calendar days after providing public notice, Respondent 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>.

25. Respondent 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, Respondent shall report within that different period.
26. Respondent 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).
27. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals, Respondent 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>.
28. If Respondent (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, Respondent 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, Respondent will remain obligated to comply with this Order.
29. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
tyson.elizabeth@epa.gov

GENERAL PROVISIONS

30. This Order is binding on Respondent, Respondent's successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
31. 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.

32. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$69,733 (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 89309 (December 27, 2023).
33. 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: July 31, 2024.

Tiffany Cantor, Acting Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division