



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

JAN 26 2011

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Hank Phibbs, Chairman  
County Administration Building  
200 South Willow Street  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Teton Pass Properties LLC  
PWS ID #WY5600523

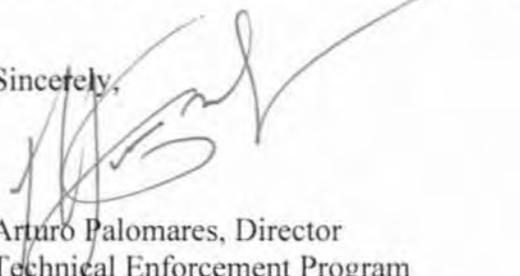
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order (Order) to Teton Pass Properties LLC, owner of the Stagecoach Bar, located in Jackson, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform; exceeding the total coliform maximum contaminant level, failing to monitor as required by the groundwater rule, and failing to report these violations to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Shawn McCaffrey at (303) 312-6515.

Sincerely,



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

Enclosure  
Order



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REGION 8**

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JAN 26 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton Pass Properties LLC  
Peter Moyer, Registered Agent  
50 King Street  
Suite 203  
P.O. Box 3682  
Jackson, WY 83001

Re: Administrative Order  
Docket No. **SDWA-08-2011-0017**  
Stagecoach Bar  
Public Water System  
PWS ID# WY5600523

Dear Mr. Moyer:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that Teton Pass Properties LLC (the company) has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Teton Pass Properties LLC complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

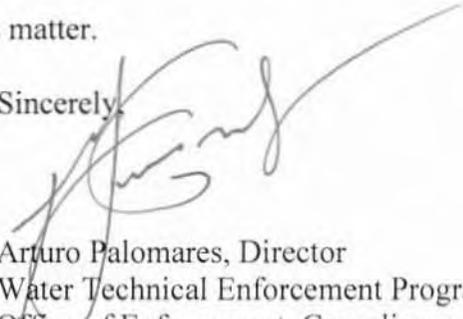
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires the company to notify the public of having violated the drinking water regulations. EPA has provided copies of forms and instructions for providing public notice as an attachment to this document. In the future, public notices can easily be accomplished with the assistance of the automated system available at the [www.pniwriter.org](http://www.pniwriter.org) website.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's attorney should be directed to Dana Stotsky, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905 or (303) 312-6905.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order  
SBREFA Information Sheet  
Public notice template

cc:

Tina Artemis, EPA Regional Hearing Clerk  
Wyoming DEQ/DOH (via email)  
Wayne Johnson, Manager, Stagecoach Bar

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 JAN 26 PM 2:21

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
Teton Pass Properties LLC )  
 )  
\_\_\_\_\_  
Respondent. )

Docket No. SDWA-08-2011-0017

ADMINISTRATIVE ORDER

FILED  
EPA REGION VIII  
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Teton Pass Properties LLC (Respondent) is a corporation under Wyoming law that owns and/or operates the Stagecoach Bar Water System (the system), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The system is supplied by a ground water source consisting of one well which provides water that is not treated.
4. The system has approximately 2 service connections and/or regularly serves at least 150 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

**VIOLATIONS**

7. If the system has one or more total coliform-positive samples, Respondent is required to collect at least 5 routine samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system's water tested positive for total coliform on June 1, 2010, Respondent failed to take at least 5 routine samples of the system's water in July 2010 and, therefore, violated this requirement.
8. If two or more samples collected in any month from the system's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of September 2009 and October 2010 two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

9. Within 24 hours of being notified that any regular, routine total coliform monitoring sample is total coliform-positive, Respondent is required to collect at least one water sample from each source in use and to submit each such sample for fecal indicator analysis. 40 C.F.R. § 141.402(a) and (c). The system received a total coliform-positive result for the routine water sample collected on October 12, 2010, but Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement.
10. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201, 141.204. Respondent did not notify the public of the violations in paragraph 8, above, and, therefore, violated this requirement. Public notice for the 2010 failure to take a ground water source sample violation cited in paragraph 9 is not yet overdue.
11. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.
12. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violations cited in paragraph 8, above, and, therefore, violated this requirement.
13. Respondent is required to report any failure to comply with any drinking water regulation to 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 9 and 10 to 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):

14. If any routine sample for the system is total coliform-positive, Respondent shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).



15. Within 30 days after receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.
16. The plan and schedule required by paragraph 15, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA.
17. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 15, above, Respondent shall notify EPA of the project's completion.
18. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than six months after receiving EPA's approval of the plan and schedule required by paragraph 15 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.
19. Respondent shall collect at least one water sample for fecal indicator analysis from each source in use within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive, as required by the Ground Water Rule at 40 C.F.R. § 141.402. Respondent shall identify the routine sample location as "source" when submitting the sample for analysis. Respondent shall report analytical results (specifying it as a source sample) to EPA within the first 10 days following the month in which the result is received, as required by 40 C.F.R. § 141.90.
20. Respondent shall report any violation of the drinking water regulations to 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 the drinking water regulations, Respondent shall report within that different period.



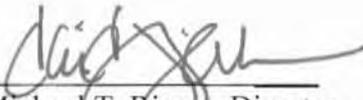
21. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraph 8, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.
22. Respondent shall direct all reporting required by this Order to:

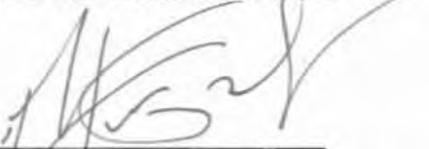
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

### **GENERAL PROVISIONS**

23. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.
24. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation.  
42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: January 26, 2011.

  
Michael T. Risner, Director  
David Jamik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. Environmental Protection Agency-Region 8





Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Compliance Assistance Centers

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### Agriculture

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

#### Automotive Service and Repair

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### Chemical Industry

([www.chemalliance.org](http://www.chemalliance.org))

#### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### Education

([www.campuserc.org](http://www.campuserc.org))

#### Healthcare Industry

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### Metal Finishing

([www.nmfrc.org](http://www.nmfrc.org) or 1-734-995-4911)

#### Paints and Coatings

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### Printed Wiring Board Manufacturing

([www.pwbrc.org](http://www.pwbrc.org) or 1-734-995-4911)

#### Printing

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

#### Transportation Industry

([www.transource.org](http://www.transource.org))

#### Tribal Governments and Indian Country

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### US Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### EPA's Home Page

[www.epa.gov](http://www.epa.gov)

#### Small Business Gateway

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### Compliance Assistance Home Page

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)



## Instructions for Resolved Total Coliform Notice –(Tier 2)

### Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Check with the Division of Drinking Water to make sure you meet all the public notification requirements.

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(c)):

- X Posting in conspicuous locations for at least 7 days
- X Hand delivery
- X 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 (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 letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

### Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

### Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We have increased sampling for coliform bacteria to catch the problem early if it recurs.
- X The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.

### After Issuing the Notice

Make sure to send a copy of each type of notice along with a certification that you have met all the public notice requirements to EPA and your Primacy Agency within ten days after issuing the notice (141.31(d)).