



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUL 13 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sublette County Commissioners  
c/o William Cramer, Chair  
P.O. Box 250  
County Courthouse  
Pinedale, WY 82941-0250

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Mountain Village Parks, Inc.  
PWS ID# WY5600221

Dear County 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.

An Administrative Order is being issued to Mountain Village Parks, Inc., with facilities located in Big Piney, Wyoming. This Order requires that Mountain Village Parks, Inc., take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failing to monitor for total coliform bacteria; failing to monitor for lead and copper; failing to provide a Consumer Confidence Report; and failing to report violations to EPA and the public.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure  
Order



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2009 JUL 13 AM 8:40

JUL 13 2009

EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent  
Mountain Village Parks, Inc.  
P.O. Box 1226  
Big Piney, WY 83113

Re: Administrative Order  
Docket No. SDWA-08-2009-0061  
PWS ID # WY5600221C

Dear Ms. Alexander:

Enclosed is an Administrative Order issued by the 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 describes how Mountain Village Parks, Inc. has violated the National Primary 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 Mountain Village Parks, Inc., complies with the Order for twelve months, 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.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. For legal questions, the attorney

assigned to this matter is Amy Swanson, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Information sheet  
Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ (via email)  
WY DOH (via email)  
Dan Alexander, Mountain Village Parks



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2009 JUL 13 AM 8:40

EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )

Mountain Village Parks, Inc. )  
Big Piney, Wyoming )

Respondent. )

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0061

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Mountain Village Parks, Inc. (Respondent) is a corporation that owns and/or operates the Mountain Village Parks Water System (the system) in Sublette County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells serving approximately 150 people per day through at least 74 active service connections year-round at a mobile home park, and an additional two wells serving up to 1000 people through three active service connections at an adjacent housing facility (also known as a man camp). The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

**VIOLATIONS**

3. Respondent is required to monitor the system's water twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for total coliform bacteria during September 2007 and, therefore, violated this requirement.

4. Respondent was required to monitor the system's water once for lead and copper contamination during the 2004 – 2006 monitoring period. 40 C.F.R. § 141.86(d)(4)(iii). Respondent failed to monitor the water for lead and copper during the 2004 – 2006 monitoring period and, therefore, violated this requirement.

5. After failing to monitor the system's water for lead and copper for the 2004 – 2006 monitoring period as per paragraph 4 above, EPA placed the system on annual monitoring beginning February 12, 2007.

40 C.F.R. § 141.86(d)(4)(ii). Based on the population served by the system, Respondent is required to collect at least 5 samples between June 1 and September 30 during each monitoring period. 40 C.F.R. § 141.86(c). Respondent failed to monitor for lead and copper in 2007 and 2008 and therefore, violated this requirement.

6. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 3 and 4, and the 2007 violation in paragraph 5 above and, therefore, violated this requirement. Public notice for the 2008 lead and copper violation is not yet overdue.

7. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152 – 155. Respondent failed to prepare a CCR for calendar year 2007 and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 3 above and, therefore, violated this requirement.

9. Respondent is required to report any other failure to comply with any of the drinking water regulations to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4, 5, and 6 above to EPA and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon receipt of this Order by Respondent:

10. Respondent shall monitor the system's water for total coliform bacteria twice per month. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

11. Between June 1 and September 30, 2009, Respondent shall monitor the system's water for lead and copper by collecting samples at a minimum of five sites in the distribution system, and shall continue to monitor for lead and copper annually per the regulations thereafter. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

12. Within 30 days, Respondent shall provide public notice of the violations specified in paragraphs 3 through 5 above. 40 C.F.R. §§ 141.201 *et seq.* Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall notify the public of any future violations. 40 C.F.R. § 141.201 *et seq.* Respondent shall send a copy of the notice to EPA within 10 days of providing the notice. 40 C.F.R. § 141.31(d).

13. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. §§ 141.152-155.

14. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

15. Respondent shall report any other violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

16. All reporting required by this Order shall be directed to:

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

#### **GENERAL PROVISIONS**

17. 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.

18. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. Part 19.

Issued this 13<sup>th</sup> day of July, 2009.



David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

### Template on Reverse

Failure to comply with a testing procedure requires Tier 3 notification. You must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple testing 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 (141.204(c)):

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

Non-community systems must use one of the following (141.204(c)):

- 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 (141.204(c)). 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. If the violation has been resolved, you must post the notice for at least seven days (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)).

This example is for a holding time violation. It will need to be modified for other types of testing violations. However, you must include in your notice the standard language for monitoring and testing procedure violations in italics (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below is a step commonly taken by water systems with a holding time violation. You can use the following language, if appropriate, or develop your own that is specific to your testing violation:

- On (date) we collected (will collect) a new sample of our finished water in order to have it analyzed for (contaminant). We sent (will send) the sample to the certified laboratory via courier to ensure that the sample arrived within the allowed holding time.

### 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 (141.31(d)).

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for [System]

Our water system violated drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we [‘did not monitor or test’ or ‘did not complete all monitoring or testing’] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
VOCs <sup>1</sup> (example)	1 sample every three years	0	2000-2002	February 2003

#### What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

*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.*

This notice is being sent to you by [system]. State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.

<sup>1</sup> VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the VOCs. VOCs are commonly used in industrial and manufacturing processes. VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethane, trans-dichloroethane, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachloroethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.