

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0017
Leisure Valley, Inc.)
) **ADMINISTRATIVE ORDER**
Respondent.)
)
Star Valley RV Park Public Water System)
PWS ID #WY5601471)

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. Leisure Valley Inc. (Respondent) is a Nevada corporation that owns and operates the Star Valley RV Park Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is untreated.
4. The System has approximately 810 service connections, at least 15 of which are used by year-round residents, and regularly serves an average of approximately 50 year-round residents and approximately 700 individuals who do not use the System year-round. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
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. Respondent is required to monitor the System’s water for certain inorganic contaminants (IOCs), i.e., antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium, at every entry point to the distribution System which is representative of each well after treatment at least once every three years. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System’s water for IOCs during the January 1, 2020, to December 31, 2022 compliance period and therefore violated this requirement.
8. Respondent is required to monitor the System’s water for sodium at least once every three years. 40 C.F.R. § 141.41. Respondent failed to monitor the System’s water for sodium during the

January 1, 2020, to December 31, 2022 compliance period and therefore, violated this requirement.

9. Respondent is required to monitor the System's water for synthetic organic contaminants (SOCs) at every entry point to the distribution System which is representative of each well after treatment at least once every three years. 40 C.F.R. § 141.24(h)(4)(iii). Respondent failed to monitor the System's water for SOC's during the January 1, 2020, to December 31, 2022 compliance period and therefore violated this requirement. Respondent collected SOC samples at the Well #2 and well house spigot sample point (WL02/SP02) on July 5, 2023.
10. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs) at least once every three years. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the System's water for VOCs at the Well #2 and well house spigot sample point (WL02/SP02) during the January 1, 2020, to December 31, 2022 compliance period and therefore violated this requirement. Respondent collected VOC samples on July 5, 2023.
11. Respondent is required to monitor the System's water for radionuclides each quarter. 40 C.F.R. § 141.26(a)(3). Respondent failed to monitor the System's water for radionuclides during the second and fourth quarters of 2022 and the first quarter of 2023, and therefore violated this requirement.
12. If the System has more than one positive total coliform sample result within the same month or 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 following multiple positive total coliform sample results in the month of September 2022 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, to provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201 - 141.211. As a violation of a treatment technique requirement, the violation identified in paragraph 12, 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 12, above, and failed to submit a copy of the public notice and certification to the EPA and therefore violated this requirement.
14. As indicated above, Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, to 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 through 11, above, are classified as violations requiring Tier 3 public notice within one year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violations cited in 7 through 11, above, and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

15. 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 through 12, 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 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for IOCs, as required by 40 C.F.R. §§ 141.23(a) and (c). 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).

18. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for sodium, as required by 40 C.F.R. §§ 141.41(a). 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. § 141.41(b).

19. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for SOCs at the 44 Yellowstone sampling station and sampling point (SS01/SP01) in accordance with 40 C.F.R. § 141.24(h)(4). 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). Respondent is next required to sample for SOCs at the well #2 and well house spigot sample point (WL02/SP02) between January 1, 2026, and December 31, 2028.

20. Respondent shall monitor the System's water for VOCs as required by Part 141. Respondent is next required to sample for VOCs between January 1, 2026, and December 31, 2028. 40 C.F.R. § 141.24(f)(5). 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. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for radionuclides in accordance with 40 C.F.R. § 141.26(a). 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. 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.

23. Following any future instance 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 sample, (3) having an *E. coli* maximum contaminant level 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.

24. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 12, above, persists, Respondent shall notify the public of this 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>.

25. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 11, above, 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>.

26. 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.

27. 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 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.

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

Email: R8DWU@epa.gov and latino.steven@epa.gov

GENERAL PROVISIONS

29. This Order is binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

30. 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.

31. 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).

32. 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: February 15, 2024.

**COLLEEN
RATHBONE**

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Date: 2024.02.15 11:55:32
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Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division