



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

MAY 21 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Benjamin H. Ellis, Chairman
Teton County Administration Building, 2nd floor
200 South Willow Street
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act Enforcement
Action against the 1655 Berger Lane, LLC
PWS ID # WY5601370

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to 1655 Berger Lane, LLC, which owns and/or operates the 1655 Berger Lane public water system, located in Teton County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for nitrate and failing to report certain 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 Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written over a horizontal line.

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

Enclosure:
Order



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MAY 21 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gerard R. Bosch, Registered Agent
1655 Berger Lane, LLC
6320 Paintbrush Trail
Wilson, WY 83014

Re: Administrative Order
1655 Berger Lane
Public Water System
Docket No. **SDWA-08-2012-0028**
PWS ID #WY5601370

Dear Mr. Bosch:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) 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 1655 Berger Lane, LLC (the Company), as owner and/or operator of the 1655 Berger Lane public water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If the Company complies with the Order, the 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.

To submit information or to request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over the typed name and title.

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

Enclosures:

Order
SBREFA Information Sheet

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Sabrina Rhoades, Manager, 1655 Berger Lane public water system
(Jackson Hole Ice & Game) – via e-mail

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 MAY 21 AM 10:27

IN THE MATTER OF:)
)
1655 Berger Lane, LLC)
)
Respondent.)
)

Docket No. **SDWA-08-2012-0028**

ADMINISTRATIVE ORDER

FILLO
REGION VIII
RECEIVED
MAY 21 2012

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. 1655 Berger Lane, LLC (Respondent) is a Wyoming corporation that owns and/or operates the 1655 Berger Lane 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 groundwater source consisting of 1 well which provides water that is not treated.

4. The system has approximately 1 service connection and/or regularly serves an average of approximately 33 individuals daily at least 6 months 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 "non-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. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2011, and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any Drinking Water Regulation to the 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 violation cited in paragraph 7, above, to the 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):

9. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

10. Respondent shall report any violation of the Drinking Water Regulations 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 the Drinking Water Regulations, Respondent shall report within that different period.

11. Respondent shall direct all reporting required by this Order to:


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

GENERAL PROVISIONS

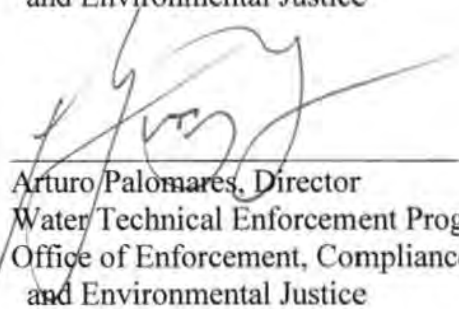
12. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

13 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: May 21, 2012.



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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