

April 1, 2010

Margaret J. (Peggy) Livingston
Enforcement Attorney
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202

2010 APR -5 PM 4:01

FILED
EPA REGION VIII
HEARING CLERK

Grand Teton Park RV Resort

Respondent – Harry Washut

Request for Dismissal of Charges

I respectfully ask for these charges against Grand Teton Park Resort, Inc. and Harry Washut to be dismissed for the following reasons:

Reason 1

Grand Teton Park Resort, Inc. no longer operates Grand Teton Park RV Resort. Grand Teton Park LLC has operated Grand Teton Park RV Resort since 2007.

Reason 2

The administrative order was final. I know it refers to continuing to follow all the rules which I believe I did. I did the testing on the East well where I live along with a few employees during the winter seasons.

Reason 3

The EPA should not have jurisdiction over the East Well System (section C) during the winter because of the small number of taps used, and the fact that it is closed to the public.

The EPA did not have the pertinent facts and designs of my three separate wells and distribution systems before entering into this enforcement action.

During the settlement negotiations, I became aware that the enforcement side of the EPA didn't realize that I have three separate wells with their own distribution systems.

Each section of the RV Park has its own distinct entrance off the Highway 26/287. The middle main section has two highway accesses which facilitate easy traffic flow through the gas dispenser island and convenience store/RV registration office.

Every camper comes to the main store/office to register. They then return to the main highway to go to either the West section (side "A"), or to access the East section (side "C").

When the highway was rebuilt in 2008 they put in a turning lane for all four accesses to the campground. Campers cannot drive between the separate sections without first returning to the highway.

We have historically closed down the West section (side "A") and the East ("C") sections of the campground during the winter (Oct. – May).

We blow out and drain the complete system on the West section (side "A").

We blow out and drain rows of RV sites on the East section (side "C"), but maintain water to dorm buildings and the owner's house during the winter which are, essentially, closed to the public. I always sample for myself, my wife, and my employees own protection during this time frame.

Because of these facts of closure to the public I don't believe that the EPA has jurisdiction of this system during the winter.

The Eastern 7.5 acres of the RV Park is a separate legal parcel. I respectfully request a separate and distinct PWS number for each of my wells and distribution systems.

I refer to the letters from Teton Country Health Department as well as past employees who lived on the East Well System in the winter.

The administrative order was settled. I paid a large fine of \$7000.00, mainly because I lost the original paperwork in my stack of files and didn't respond in a timely manner. I then cooperated fully in order to close the administrative order. I paid my fine and, to my knowledge, operated the system safely for the public and myself until I received the bad sample in Nov. 2008. I then flushed and retested it. It was particularly difficult in the middle of winter with frozen pipe risers.

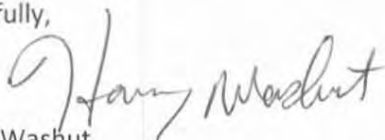
I believe that the EPA should have informed me of the extreme fines if I had another bad sample. They should not have authorized the closure of the administrative order if disinfection should have been part of the settlement order.

Now I am proceeding diligently to put the disinfecting system in.

See attached exhibits.

The total installment costs will approach \$10,000.00. I believe my resources should be spent to address the water system itself. A fine is unwarranted and would seem punitive and vindictive if applied.

Respectfully,



Harry E. Washut
Managing Member – Grand Teton Park, LLC
P.O. Box 92
Moran, WY 83013

Sanitary Survey
Date: 07/27/2009

PWS Name: Grand Teton Park RV Resort
PWS ID#: 5600682

SECTION 13: TRANSMISSION LINE DATA

***Each well has its own distribution line and area of the campground; they are not interconnected.**

Name or designation: **Grand Teton Park RV Resort**

Does it carry raw or treated water? **Raw well water**

Point of origin: **Wells #1, #2, #3**

Point of termination: **Campground areas for distribution**

Date put into service: **1977 - 1995**

Length: Diameter: **2"** Material: **Galvanized pipe**

Pressure range: **40 – 50 psi** Flow rate (gpm): **~ 25 gpm**

Description of controls and/or pressure' regulating valves: **None**

Air relief valves: **None**

Has the line ever broken because of material defect or freezing? **No**

Is the line properly disinfected after repairs are made? **Yes**



STATE OF WYOMING
Teton County Environmental Health
P.O. Box 937, 460 E. Pearl
Jackson, Wyoming 83001
Ph. (307) 732-8490 Fax. No. (307) 732-8491

1 February 2010

To Whom It May Concern:

This is to verify Grand Teton Park RV Resort, operated by Mr. Harry Washut, closes the east and west side campgrounds in October each year and they remain closed to the general public throughout the winter months.


Michael R. Dart, REHS
T.C. Environmental Health

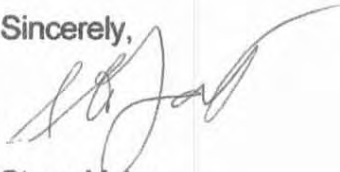
January 15, 2010

To Whom It May Concern EPA, DEQ, etc.:

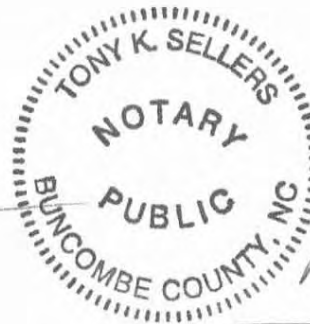
This is in regards to the bad water sample in Nov. / Dec. 2008 from the east well at Grand Teton Park RV Resort. We were the managers of the campground at the time of the sample and we were living in employee housing on the east section utilizing the east well.

Two other employees were living in the dorm and Connie and Harry lived in their house on the same side. When Harry received the sample results, he informed us and the other employees of the bad sample and his chlorinating of the well was obvious. We posted in the store a notice concerning the bad sample on the east side. All residents on the east side were personally notified. We were aware of repeat bad samples because of the efforts of disinfecting the east well for the next few weeks. Because of the below freezing temperatures, they had a difficult time flushing the system.

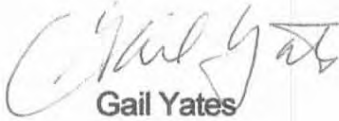
Sincerely,



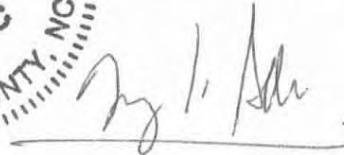
Steve Yates
Manager



1-15-2010



Gail Yates
Manager



EXISTING CONDITIONS

Grand Teton Park CG

PWS ID # 5600682 N

MAIN WELL
"B" SECTION

Campground Distribution

EAST WELL
"C" SECTION

Campground Distribution

WEST WELL
"A" SECTION

Campground Distribution

Sampling Point
Campsite 143
(SS03) (SP03)

Well #3 (WL03)

Sampling Point
Store / Kitchen
(SS01) (SP01)

Well #1 (WL01)

Sampling Point
Campsite 21
(SS02) (SP02)

Well #2 (WL02)

★ Entry Point

Agreed to by

X _____

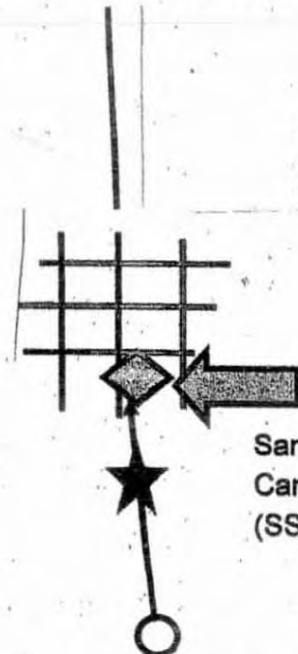
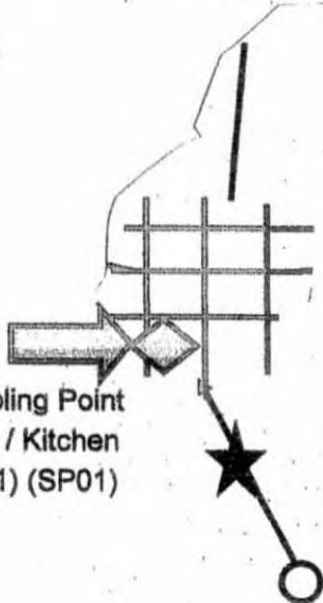
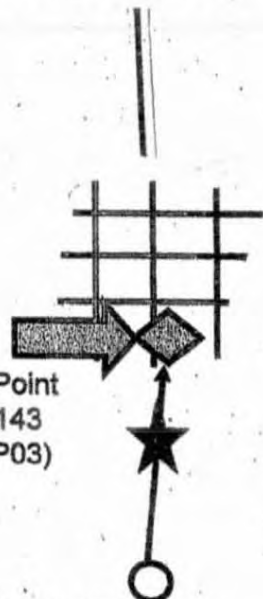
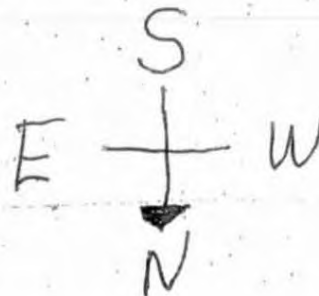
Date _____

Sample Point for Nitrates

SCHMATIC NOT TO SCALE

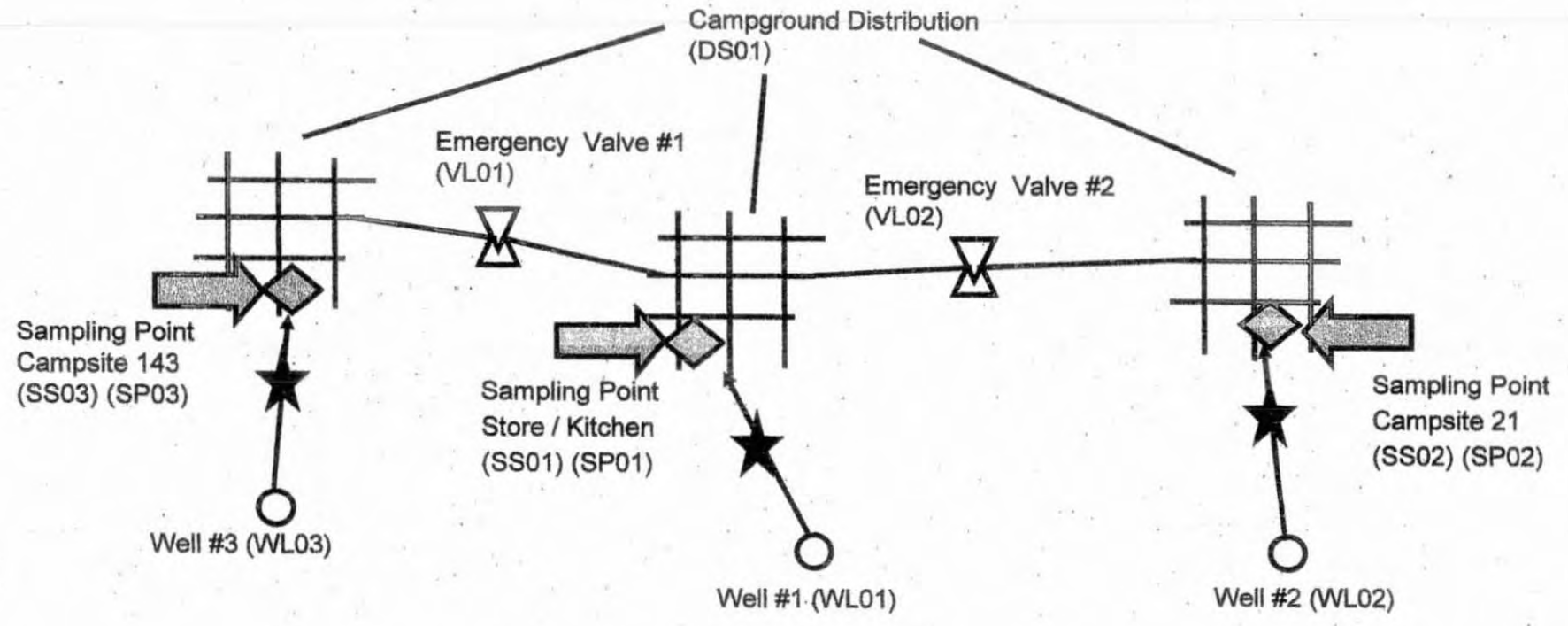
Date 8-16-99

Prepared by Todd Mercord



EPA sketch NOT ACCURATE
Grand Teton Park CG

PWS ID # 5600682 N



★ Entry Point
Agreed to by _____
X _____
Date _____

Sample Point for Nitrates

SCHEMATIC NOT TO SCALE
Date 8-16-99
Prepared by Todd Mercord

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PERMIT TO CONSTRUCT

PERMIT NO. 10-089

Grand Teton Park RV Resort Water System Records & Dry Pellet Chlorinators
PWS #WY5600682

This permit hereby authorizes the applicant:

Harry Washut
Grand Teton Park RV Resort
P.O. Box 92
Moran, WY 83013

to install three dry pellet chlorinators on three existing wells, according to the procedures and conditions of the application number 10-089. Total coliform bacteria were detected in 2009 in the East area well and chlorination was recommended by EPA for all three shallow groundwater wells. The application also includes record information on the water system. The project is located within SE ¼, Section 27, T45N, R113 W in the county of Teton, in the State of Wyoming. All construction, installation, or modification allowed by this permit shall be completed by March 31, 2012.

The issuance of this permit confirms that the Wyoming Department of Environmental Quality (DEQ) has evaluated the application submitted by the permittee and determined that it meets minimum applicable construction and design standards. The compliance with construction standards and the operation and maintenance of the facility to meet the engineer's design are the responsibility of the permittee, owner, and operator.

Granting this permit does not imply that DEQ guarantees or ensures that the permitted facility, when constructed, will meet applicable discharge permit conditions or other effluent or operational requirements. Compliance with discharge standards remains the responsibility of the permittee.

Nothing in this permit constitutes an endorsement by DEQ of the construction or the design of the facility described herein. This permit verifies only that the submitted application meets the design and construction standards imposed by Wyoming statutes, rules and regulations. The DEQ assumes no liability for, and does not in any way guarantee or warrant the performance or operation of the permitted facility. The permittee, owner and operator are solely responsible for any liability arising from the construction or operation of the permitted facility. By issuing this permit, the State of Wyoming does not waive its sovereign immunity.

The permittee shall allow authorized representatives from DEQ to enter and inspect any property, premise or place on or at which the facility is located or is being constructed or installed for the purpose of investigating actual or potential sources of water pollution, and for determining compliance or non-compliance with any rules, regulations, standards, permits or orders.

Nothing in this permit shall be construed to preclude the institution of any legal action or other proceeding to enforce any applicable provision of law or rules and regulations. It is the duty of the permittee, owner and operator to comply with all applicable federal, state and local laws or regulations in the exercise of its activities authorized by this permit.

The issuance of this permit does not convey any property rights in either real or personal property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

INVOICE FOR PROFESSIONAL SERVICES

Pilch Engineering
P.O Box 6498
307-672-8750
Sheridan, Wyoming 82801

DATE: March 9, 2010

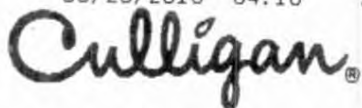
CLIENT INFORMATION

INVOICE #02494

Buffalo Valley Resort, Inc.
Attn Harry Washut
P. O. Box 92
Moran, Wyoming 83013

ITEMIZED SERVICES PROVIDED BELOW

<u>Item</u>	<u>Rate</u>	<u>Units</u>	<u>Total</u>
Project Engineer	\$100/hr	22 hours	\$2,200
Staff Engineer	\$85/hr	12 hours	\$1,020
Report Expense	\$100	1	\$100
	Total		\$3,320



REPAIR ORDER

006502

CULLIGAN

CULLIGAN OF SHERIDAN
1831 S. Sheridan
Sheridan, WY 82801
307-672-7606

for 307-543-0927

Date 3-26-10

(Quote)

Print Name Harry Washut
Address P.O. Box 92
City Moran WY
Phone: Residence _____ Business _____

Res. Comm. Ind. Domestic

Service Filter Chem. Feeder

Make _____ Type or Model _____ Serial No. _____ Year Purchased _____

Terms: C.O.D. _____ Chgs. _____ Warranty _____ Other _____

Authorized By _____

Quotation By _____ Date Promised _____

Credit Approval _____

Mgr's Acceptance _____ Call Before Return Yes No

Previous Repairs: Yes No Date _____

MATERIALS USED

Quan.	Part No.	Description	Unit Cost	Extension
3		Commercial Sentry 1 Chlorination Pellet Drop Systems #1340 each	4020	-
		6% tax	241	20
		total	4261	20
		* with no installation would need to have 1/2 paid in full before order would be placed 1/2 = \$2130 <u>60</u>		
TOTAL PARTS COST				

Job No. _____ Work Instructions _____ Labor _____

* This is a Quote for 3-Sentry 1 pellet Drop systems for well water (Chlorination)

* would need to be installed by an electrician. I think this would take about 2 hrs per unit but not sure?

Thank you Culligan of Sheridan
Rashed Culligan

TOTAL LABOR COST

RECAPITULATION

Labor Cost: Hours _____ @ _____

Mileage: Start _____ End _____ Total Miles _____

Service Charge (Explanation) See Instructions above.

Parts Cost _____

TAX _____

TOTAL AMOUNT DUE _____

Signed _____ Owners or their agents of property

Date Repaired _____ By _____