



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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FEB 26 2020

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John R. Alm, Registered Agent
Paint Rock Canyon Enterprises, LLC
P.O. Box 10
Hyattville, Wyoming 82428

Joseph Collins, Registered Agent
C5 Youth Foundation of Southern California, Inc.
3100 North Broadway
Los Angeles, California 90031

Re: Administrative Order issued to Paint Rock Canyon Enterprise LLC and C5 Youth Foundation of Southern California, Inc. regarding Camp Paintrock Public Water System, PWS ID #WY5601513, Docket No. **SDWA-08-2020-0022**

Dear Messrs. Alm and Collins:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 Paint Rock Canyon Enterprise LLC and C5 Youth Foundation of Southern California, Inc. (Companies), as owners and/or operators of the Camp Paintrock Public Water System (System), have violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Companies believe the EPA may not have (*e.g.*, any start-up or assessment that may have been done but not reported, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Companies, the EPA will assume this information is correct. If the Companies comply with the Order, the EPA may close the Order without further action.

Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$58,328 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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 entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

If you have any questions or to request an informal conference with the EPA, please contact Olive Wittenberg via email at Wittenberg.Olive@epa.gov, or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Companies' attorneys should be directed to Lauren Hammond, Assistant Regional Counsel, via email at Hammond.Lauren@epa.gov or by phone at (800) 227-8917, extension 7081, or (303) 312-7081.

We urge your prompt attention to this matter.

Sincerely,



Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Big Horn County Commissioners (felix.carrizales@bighorncounty.com)
Melissa Haniewicz, EPA Regional Hearing Clerk
Stephanie Rios, Leasee (stephanier@c5yf.org)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF:)
)
Paint Rock Canyon Enterprises, LLC and)
C5 Youth Foundation of Southern)
California, Inc.)
)
Respondents.)
)
Camp Paintrock Public Water System)
PWS ID #WY5601513)

Docket No. **SDWA-08-2020-0022**
ADMINISTRATIVE ORDER

OFFICE OF THE REGIONAL ADMINISTRATOR
EPA REGION 8
HEALTH, SAFETY & ENVIRONMENT

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. Paint Rock Canyon Enterprises, LLC and C5 Youth Foundation of Southern California, Inc. (Respondents) are a Wyoming Corporation and a California corporation, respectively, that own and operate the Camp Paintrock Public Water System (System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated. The System is seasonally operated from June to August.
4. The System has approximately 8 service connections and/or regularly serves an average of approximately 100 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community” water system as defined in 40 C.F.R. § 141.2.
5. Respondents are “persons” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and are 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 Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861 Prior to opening to the public each year, Respondents must send to the EPA a signed certification of its completed start-up procedures using the EPA’s approved checklist (see link below in paragraph 11). Respondents failed to complete seasonal start-up procedures and failed to submit a signed copy of the completed checklist to the EPA prior to opening to the public in June of 2017, 2018 and 2019 and, therefore, violated these requirements.
8. 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, Respondents are 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. Respondents failed to conduct a Level 1 assessment following multiple positive total coliform sample results in July 2019 and, therefore, violated this requirement.

9. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, 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 and 8, above, are classified as Tier 2 violations, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondents failed to notify the public of the violations cited in paragraphs 7 and 8 and failed to submit a copy to the EPA and, therefore, violated this requirement.

10. Respondents are required to report any failure to comply with any National Primary Drinking Water Regulations Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7 and 8, above, to the EPA and, therefore, violated this requirement.

ORDER

Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

11. Prior to opening in 2020, Respondents shall complete seasonal start-up procedures as required by 40 C.F.R. §§ 141.854-861. The EPA-approved, start-up procedures checklist can be found at https://www.epa.gov/sites/production/files/2014-12/documents/rtrcr_seasonal_startup_checklist.pdf. Prior to opening to the public each year, Respondents shall send to the EPA a signed copy of the completed start-up procedures checklist.

12. Before opening for the 2020 season, Respondents 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. 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, Respondents shall notify the EPA of the project's completion. Respondents shall provide sufficient evidence to the EPA, including photographs of the corrective actions. 40 C.F.R. § 141.859.

13. Following any future instances 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* MCL violation, or (4) triggering a second Level 1 assessment within a rolling 12-month period, Respondents shall conduct the appropriate level of assessment in compliance with 40 C.F.R. § 141.859.

14. Within 30 calendar days after opening for the 2020 season, and quarterly thereafter as long as the violations cited in paragraphs 7 and 8, above, persist, Respondents shall notify the public of these violations. 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>. Thereafter, following any future violation of Part 141, Respondents 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, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

15. Respondents 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, Respondents shall report within that different period.

16. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

17. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, 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, Respondents shall remain obligated to comply with this Order.

18. Respondents shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and Wittenberg.Olive@epa.gov

GENERAL PROVISIONS

19. This Order shall be binding on Respondents, their successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

20. This Order shall 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.

21. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$58,328 (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; 85 Fed. Reg. at 1754 (January 13, 2020).

22. Respondents 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 26, 2020.


Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division