

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8



IN THE MATTER OF: )  
 ) Docket No. SDWA-08-2024-0003  
Gantz Properties LLC and Randy Gantz, )  
 ) **ADMINISTRATIVE ORDER**  
Respondents. )  
 )  
 )  
Devils Tower Gulch Public Water System )  
PWS ID #WY5601731 )

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. Respondent Gantz Properties LLC is a Wyoming corporation that owns the Devils Tower Gulch Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption. Respondent Randy Gantz is the System’s operator. Gantz Properties LLC and Randy Gantz collectively are hereafter referred to as “Respondents.”
3. The System is supplied by a groundwater source accessed via one well. The water is untreated. The System is operated seasonally from May 1 to October 31.
4. The System has approximately one service connection and/or regularly serves an average of approximately 34 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 in paragraph 14, below). 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 May of 2022 and May of 2023 and therefore violated these requirements.
8. Respondents are required to monitor the System’s water monthly for total coliform bacteria from May through October each year. 40 C.F.R. §§ 141.853-858. Respondents failed to monitor the System’s

water for total coliform bacteria during August and September 2022 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 violation identified in paragraph 7, 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 Respondents failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA. Respondents have therefore violated 40 C.F.R. § 141.203.

10. 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 paragraph 8, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondents failed to notify the public of the violations cited in paragraph 8, and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

11. Respondents are required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondents failed to report the violation listed in paragraph 8, above, to the EPA and therefore violated this requirement.

12. Respondents are 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). Respondents failed to report the violation cited in paragraph 7, 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):

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

14. 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/rtrc\\_seasonal\\_startup\\_checklist.pdf](https://www.epa.gov/sites/production/files/2014-12/documents/rtrc_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.

15. Respondents shall monitor the System's water monthly for total coliform bacteria from May through October each year. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858.

16. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 7, above, persists, Respondents shall notify the public of this violation. 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). 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>.

17. Within 30 calendar days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraph 8, 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>.

18. Respondents shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

19. 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.

20. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals, Respondents must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

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

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov) and [Tyson.Elizabeth@epa.gov](mailto:Tyson.Elizabeth@epa.gov)

**GENERAL PROVISIONS**

23. This Order is binding on Respondents, successors and assigns, and any persons (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.
24. 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.
25. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$67,544 (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 989 (January 6, 2023).
26. 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: October 10, 2023

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