



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 23 2008

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Hank Phibbs, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Jackson Hole Airport
Public Water System
PWS ID #WY5600844

Dear County Commissioners:

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

An Administrative Order is being issued to the Jackson Hole Airport Board for violations at the Jackson Hole Airport public water system (the system) located in Teton County, Wyoming. This Order requires that the system take measures to return its system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform bacteria, failure to collect five routine total coliform samples following a positive sample in the previous month, failure to monitor for lead and copper, failure to monitor for volatile organic contaminants, failure to monitor for pesticides and herbicides, failure to issue public notice, and failure to report such violations to EPA.

For more details, a copy of the Order is enclosed for your information.
The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Enclosure
Administrative Order





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 23 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Jackson Hole Airport Board
c/o Jerry Blann, Chairman
P.O. Box 159
Jackson, WY 83001

Re: Administrative Order
Jackson Hole Airport
Public Water System
Docket No. SDWA- 08-2009-0051
PWS ID # WY5600844

Dear Mr. Blann:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the Jackson Hole Airport Board, owner of the Jackson Hole Airport public water system, has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Jackson Hole Airport Board complies with the Order, 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.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983, or (303) 312-6983. For legal questions, the attorney assigned to this matter is

Amy Swanson, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Administrative Order
Public notice samples/templates

cc:

WY DEQ/DOH (via email)
George Larson, Jackson Hole Airport Director
Honorable Mark Barron, Mayor, Jackson, WY
Moe Hodges, Operator
Mary Gibson Scott, Grand Teton National Park Superintendent
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 JUN 23 AM 9:23

IN THE MATTER OF)	Docket No. SDWA-08-2009-0051
)	
Jackson Hole Airport Board)	ADMINISTRATIVE ORDER
Jackson Hole Airport)	
Jackson, WY,)	
)	
Respondent.)	

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. §300f et seq.), as properly delegated to the undersigned officials.

2. The Jackson Hole Airport Board (Respondent) is a government agency that owns and/or operates the Jackson Hole Airport public water system (the system) in Teton County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well. The system serves an average of approximately 871 people per day year-round through three service connections. The system is a "non- transient, non-community" water system as defined in 40 C.F.R. §141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to monitor the system's water regularly to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. Since at least 1999, Respondent has been required to collect 1 total coliform sample per quarter. Respondent failed to monitor the water for contamination of total coliform bacteria during the 1st quarter 2005 (January - March) and the 4th quarter 2006 (October - December) and, therefore, violated this requirement. Upon confirming that the system serves approximately 871 people per day, EPA notified the system on May 11, 2009, that the system is required to collect at least one (1) total coliform bacteria sample per month. 40 C.F.R. §141.21(a)(3)(ii).

4. Respondent is required to collect a set of five routine samples after a total coliform positive sample in the preceding month. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least five routine samples in

October 2007, after a total coliform positive routine sample in the previous month and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water every three years to determine compliance with the action levels for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent has been required to collect at least 5 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper on September 10, 2005 and the next sampling was due in 2008. Respondent failed to sample for lead and copper between June 1, 2008 and September 30, 2008 and, therefore, violated this requirement. Upon confirming that the system serves approximately 871 people per day, EPA notified the system in May 2009 that it is required to collect at least 10 lead and copper samples per monitoring period.

6. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for volatile organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(f). Respondent sampled the water for contamination of volatile organic contaminants on August 26, 2008, but failed to sample during the period January 1, 2005 through December 31, 2007 and, therefore, violated this requirement.

7. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for pesticide/herbicide organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(h). Respondent sampled the water for contamination of pesticide/herbicide organic contaminants on December 9, 2008, but failed to sample during the period January 1, 2005 through December 31, 2007 and, therefore, violated this requirement.

8. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 3, 4, 6, and 7 above (except the 1st quarter 2005 failure to monitor total coliform violation) and, therefore, violated this requirement. Public Notice for the lead and copper violation in paragraph 5 is not yet over due.

9. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after learning of the violation. 40 C.F.R. §141.21(g)(2). Respondent failed to report to EPA the

failure to monitor total coliform violations listed in paragraphs 3 and 4 above and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the drinking water regulations) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 5 through 8 above to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order:

11. Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Any violation of the total coliform monitoring requirements shall be reported to EPA within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

12. Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples.

13. Between June 1 and September 30, 2009, Respondent shall monitor for lead and copper. Respondent shall collect 10 samples during each sampling event. Respondent shall monitor for lead and copper per the regulations thereafter. 40 C.F.R. §§ 141.86(c) and (d). Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

14. Respondent shall monitor for volatile organic contaminants per the regulations. 40 C.F.R. § 141.24(f). Respondent's next sampling for volatile organic contaminants is due between January 1, 2011 and December 30, 2013.

15. Respondent shall monitor for pesticide/herbicide contamination per the regulations. 40 C.F.R. § 141.24(h). Respondent's next sampling for pesticide/herbicide contaminants is due between January 1, 2011 and December 30, 2013.

16. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified in Paragraphs 3, 5, 7 and 8 above (except the 1st quarter 2005 failure to monitor total coliform violation) in this Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

17. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within ten days after discovering the violation. 40 C.F.R. §141.21(g)(2).

18. Respondent shall report any other violation of the drinking water regulations to EPA within 48 hours of discovery. 40 C.F.R. § 141.31(b).

19. Respondent shall report all analytical results to EPA within the first 10 days following the month in which samples results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

20. Reporting requirements specified in this Order shall be provided by certified mail to:

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

GENERAL PROVISIONS

21. This Order does 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.

22. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 23rd day of June, 2009.

David Rochlin

David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual NoticeBTemplate 3-1

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Jackson Hole Airport

Our water system violated several drinking water standards over the past several years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to monitor for lead and copper during the 2008 sampling period; failed to monitor for volatile organic compounds (VOCs) during the 2005 – 2007 sampling period; failed to monitor for pesticides and herbicides (SOCs) during the 2005 – 2007 sampling period; failed to monitor total coliform during the 4th quarter 2006; and failed to collect 5 routine total coliform samples in the month following a total coliform positive sample and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Lead and Copper	5 samples every three years	2008	
VOCs	1 sample every three years	2005 - 2007	2008
SOCs	1 sample every three years	2005 - 2007	2008
Total coliform	1 sample every quarter	4 th quarter 2006	Each quarter since 2007
Total Coliform	5 samples in the month following a positive total coliform sample	October 2007	

What happened? What is being done?

For more information, please contact [name and number of contact person] _____ or
[Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by **Jackson Hole Airport**
State Water System ID#: **WY5600844**

Date distributed or dates posted: _____