

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

July 17, 2020
9:59 AM

IN THE MATTER OF:)		
)	Docket No. SDWA-08-2020-0033	Received by
Donald W. Landis)		EPA Region VIII
)	ADMINISTRATIVE ORDER	Hearing Clerk
Respondent.)		
)		
Rocky Mountain Lodge)		
<u>PWS ID #WY5600879</u>)		

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. Donald W. Landis (Respondent) is an individual who owns and/or operates the Rocky Mountain Lodge Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption. The System is supplied by a groundwater source accessed via 1 well, and the water is untreated.
3. The System serves an average of approximately 55 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.
4. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12), and is 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).
5. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

6. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a sanitary survey report from the EPA on September 6, 2018, which detailed significant deficiencies. Respondent failed to complete all corrective actions by January 4, 2019 and/or failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement.

7. Respondent is required to report monitoring results for total coliform bacteria to the EPA within the first 10 calendar days following the end of the month in which the results were received or, if sooner, the first 10 calendar days after the monthly monitoring period. 40 C.F.R. § 141.31(a). Respondent failed to report monitoring results by this deadline for April 2019 total coliform monitoring, and therefore, violated this requirement.
8. Respondent is 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 6, above, are classified as Tier 2 violations, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondent failed to notify the public of the violation cited in paragraph 6 and/or failed to submit a copy to the EPA and therefore, violated this requirement.
9. Respondent is 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, are classified as Tier 3 violation, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violation cited in paragraph 7 and/or failed to submit a copy to the EPA and therefore, violated this requirement.
10. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violation cited in paragraph 6, above, to the EPA and therefore, violated this requirement.
11. Respondent is 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). Respondent failed to report the violation listed in paragraph 7, above, to the EPA and therefore, violated this requirement.

ORDER

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

12. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

13. Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule (Schedule) and plan to the EPA 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, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Actions:

To prevent contamination of the well ID: WL01 – Holly #1, all openings must be sealed watertight. The port in the well cap with the rope and electrical conduit is not watertight.

14. Respondent shall report monitoring results for total coliform to the EPA within the first 10 calendar days following the end of the monitoring period. 40 C.F.R. § 141.31(a).

15. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 6, above, persists, Respondent shall notify the public of this violation. 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, 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).

16. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 7, above. 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, 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).

17. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent 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, Respondent shall remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov, and
Hicks.nthaniel@epa.gov

GENERAL PROVISIONS

19. This Order shall be binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
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 Respondent 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. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: _____, 20__.

**COLLEEN
RATHBONE**

 Digitally signed by COLLEEN
RATHBONE
Date: 2020.07.17 09:56:00 -06'00'

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