



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 SEP 29 AM 8:00

SEP 29 2009

DAVID L. CLON VIL
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Diana Alexander, Registered Agent
Mountain Village Parks, Inc.
P.O. Box 1226
Big Piney, WY 83113

Re: Amended Administrative Order
Docket No. SDWA-08-2009-0061
PWS ID # WY5600221

Dear Ms. Alexander:

Enclosed is an Amended Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* This Order amends the July 13, 2009, Administrative Order issued by EPA. EPA has added a violation for exceeding the maximum contaminant level for total coliform bacteria in May 2009, to the other previously-cited violations of 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 Mountain Village Parks, Inc., 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 Mario Mérida at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. Any questions from Mountain Village Parks, Inc.'s attorney should be directed to Amy Swanson, Enforcement

Attorney, who can be reached at the above address (with the mail code 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

Order

Public notice templates

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ (via email)
WY DOH (via email)
Dan Alexander, Mountain Village Parks



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 SEP 29 AM 8:00

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Mountain Village Parks, Inc.)
Big Piney, Wyoming,)
)
Respondent.)

AMENDED
ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0061

1. This Amended Administrative 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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Mountain Village Parks, Inc. (Respondent) is a corporation that owns and/or operates the Mountain Village Parks Water System (the system) in Sublette County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of two wells serving approximately 150 people per day through at least 74 active service connections year-round at a mobile home park, and an additional two wells serving up to 1000 people through three active service connections at an adjacent housing facility (also known as a man camp). The system is a "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. If more than one sample collected in any month from the system's water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). More than one total coliform sample collected in May 2009 from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

4. Respondent is required to monitor the system's water twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for total coliform bacteria during September 2007 and, therefore, violated this requirement.

5. Respondent was required to monitor the system's water once for lead and copper contamination during the 2004 – 2006 monitoring period.

40 C.F.R. § 141.86(d)(4)(iii). Respondent failed to monitor the water for lead and copper during the 2004 – 2006 monitoring period and, therefore, violated this requirement.

6. After failing to monitor the system's water for lead and copper for the 2004 – 2006 monitoring period as per paragraph 4 above, EPA placed the system on annual monitoring beginning February 12, 2007. 40 C.F.R. § 141.86(d)(4)). Based on the population served by the system, Respondent is required to collect at least 5 samples between June 1 and September 30 during each monitoring period. 40 C.F.R. § 141.86(c). Respondent failed to monitor for lead and copper in 2007 and 2008 and therefore, violated this requirement.

7. 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 through 5, and the 2007 violation in paragraph 6 above and, therefore, violated this requirement. Public notice for the 2008 lead and copper violation is not yet overdue.

8. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to EPA that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152 – 155. Respondent failed to prepare a CCR for calendar year 2007 and, therefore, violated this requirement.

9. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the MCL violation cited in paragraph 3, above, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with a coliform monitoring requirement to EPA within ten days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violation listed in paragraph 4 above and, therefore, violated this requirement.

11. Respondent is required to report any other failure to comply with any of 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, 6 and 7 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 by Respondent:

12. Respondent shall comply with the total coliform MCL.

13. Respondent shall monitor the system's water for total coliform bacteria twice per month. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first ten days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

14. Between June 1 and September 30, 2009, Respondent shall monitor the system's water for lead and copper by collecting samples at a minimum of five sites in the distribution system, and shall continue to monitor for lead and copper annually per the regulations thereafter. 40 C.F.R. §§ 141.86(c) and 141.86(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.

15. Within 30 days, Respondent shall provide public notice of the violations specified in paragraphs 3 through 6 above. 40 C.F.R. §§ 141.201 et seq. 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) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall notify the public of any future violations. 40 C.F.R. § 141.201 et seq. Respondent shall send a copy of the notice to EPA within 10 days of providing the notice. 40 C.F.R. § 141.31(d).

16. Within 30 days of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007, distribute it to the system's customers, and send a copy to EPA. Respondent shall continue to prepare and distribute to the system's customers a CCR by July 1 annually thereafter. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. §§ 141.152-155.

~~17. If the system's water exceeds the total coliform MCL in 40 C.F.R. § 141.63,~~
Respondent shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

18. Respondent shall report any failure to comply with coliform monitoring requirements to EPA within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

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

20. All reporting required by this Order shall be directed to:

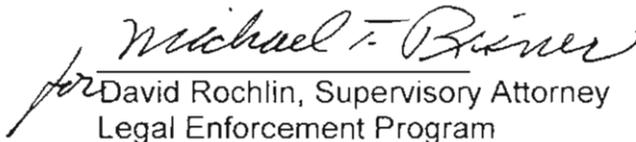
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

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 29th day of September, 2009.


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


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