

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

March 17, 2021  
12:40 PM  
Received by

IN THE MATTER OF: )  
 )  
Nora’s Creek Inn, Inc., and )  
Mr. Trace Tygum and Ms. Kathryn Taylor )  
individually, )  
 )  
Respondents. )  
 )  
Nora’s Fish Creek Inn Public Water System )  
PWS ID #WY5600903 )

Docket No. SDWA-08-2021-0015

EPA Region VIII  
Hearing Clerk

**ADMINISTRATIVE ORDER**

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. Nora’s Fish Creek Inn, Inc., and Mr. Trace Tygum and Ms. Kathryn Taylor (Respondents) are the corporation and individuals, respectively, that own and/or operate the Nora’s Fish Creek Inn Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well source. The water is untreated.
4. The System has approximately one service connection and/or regularly serves an average of approximately 263 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 monitor the System’s water annually for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondents failed to monitor the System’s water for nitrate during 2020 and therefore, violated this requirement.

8. 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 Tier 3 violations, 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.

9. Respondents are 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). 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 Respondent's' receipt of this Order (unless a different deadline is specified below):

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

11. Within 30 calendar days after receipt of this Order and as required by Part 141 thereafter, Respondents shall monitor the System's water for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and (d). Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

12. Respondent 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, Respondent shall report within that different period.

13. Within 30 calendar days after receipt of this Order, Respondents 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, 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).

14. If the population served by the System at least 60 days of the year falls below 25 individuals, Respondents shall 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-and-instructions-reporting-forms#new>

15. 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.
16. Respondents shall send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and  
[Zachman.Angela@epa.gov](mailto:Zachman.Angela@epa.gov)

### **GENERAL PROVISIONS**

17. This Order shall be binding on Respondents, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.
18. 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.
19. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$59,017 (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 83821 (December 23, 2020).
20. 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: March 17, 2021.

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