



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street

DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

CONFIDENTIAL

Ref: 8ENF-W

MAR - 1 2007

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

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

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
South Park Village Subdivision  
PWS ID# WY5600836

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly, because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the South Park Village Subdivision Public Water System, Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b)(5), 141.152(b), 141.153(f)(1), 141.21(g)(1), 141.21(g)(2), and 141.31(b) for exceeding the maximum contaminant level (MCL) for total coliform bacteria; failure to collect at least five routine total coliform samples after a total coliform positive sample in the preceding month; incomplete Consumer Confidence Report; failure to report total coliform MCL violations to EPA; failure to report total coliform monitoring violations to EPA; and failure to report National Primary Drinking Water Regulation violations to EPA.

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 Melanie Wasco at (303) 312-6540.

Sincerely,

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

Enclosure



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Ref: 8ENF-W

**MAR - 1 2007**

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

South Park Village Subdivision  
c/o Ms. Sherry Daigle, Treasurer  
P.O. Box 1727  
Jackson, WY 83001

Re: Administrative Order  
Docket No. **SDWA-08-2007-0032**  
PWS ID #WY5600836

Dear Ms. Daigle:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the South Park Village Subdivision is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b)(5), 141.152(b), 141.153(f)(1), 141.21(g)(1), 141.21(g)(2), and 141.31(b) for exceeding the maximum contaminant level (MCL) for total coliform bacteria; failure to collect at least five routine total coliform samples after a total coliform positive sample in the preceding month; incomplete Consumer Confidence Report; failure to report total coliform MCL violations to EPA; failure to report total coliform monitoring violations to EPA; and failure to report National Primary Drinking Water Regulation violations to EPA.

If the South Park Village Subdivision complies with the terms of the Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. SBREFA does not eliminate your responsibility to comply with the SDWA.

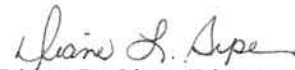


Printed on Recycled Paper

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 312-6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 312-6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosure

Order  
SBREFA

cc: (via email)  
Wyoming DEQ  
Wyoming DOH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 MAR -1 PM 1:27

IN THE MATTER OF )  
 )  
 South Park Village Subdivision )  
 Jackson, Wyoming )  
 PWS ID# WY5600836 )  
 )  
 Respondent )  
 )  
 Proceedings under Section 1414(g) )  
 of the Safe Drinking Water Act, )  
 42 U.S.C. § 300g-3(g) )  
 \_\_\_\_\_ )

EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0032

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. South Park Village Subdivision, also known as South Park Village Home Owners Association, ("Respondent") is an unincorporated association and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the South Park Village Subdivision Public Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a July 27, 2002 sanitary survey conducted by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The System provides water to approximately 70 year-round residents through a total of 18 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor their water at least once per month to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40



samples per month, as prohibiting more than one sample collected during the month from being positive for total coliform bacteria.

3. Monitoring results submitted by Respondent for the System during December 2005, and August and September 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

## II.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month they provide water to the public.
2. Respondent failed to collect at least 5 routine samples in August 2004 and May 2006 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

## III.

1. The regulations at 40 C.F.R. § 141.152(b) require a community water system to prepare and deliver an annual Consumer Confidence Report (CCR) to its customers by July 1 of each year, containing data collected during the previous calendar year.
2. 40 C.F.R. § 141.153(f)(1) requires the CCR to clearly note any monitoring and reporting violations of the NPDWRs and include the potential adverse health effects and actions taken by the system to address the violations.
3. Respondent failed to adequately identify and include the August 2004 monitoring violation detailed in Section II of this Order in its 2004 CCR,



and the December 2005 MCL violation detailed in Section 1 of this Order in its 2005 CCR, in violation of 40 C.F.R. §§ 141.152(b) and 141.153(f)(1).

IV.

1. 40 C.F.R. § 141.21(g)(1) requires public water systems that have exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after learning of the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(1).

V.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems to report any failure to comply with a coliform bacteria monitoring requirement to EPA within 10 business days after they discover the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(2).

VI.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section III, in violation of 40 C.F.R. § 141.31(b).



ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT  
IS ORDERED:

1. As of the effective date of this Order, Respondent shall comply with the total coliform MCLs as stated in 40 C.F.R. § 141.63.
2. If the System has a total coliform MCL violation while this Order is in effect, Respondent shall submit to EPA detailed plans for bringing the System into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63, which may include activating the pellet chlorinator that is currently installed over the wellhead to operate on a regular basis. The plans shall include proposed system modifications, estimated costs for modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date that shall be no longer than 3 months from the date of the MCL violation, and shall be submitted to EPA for approval within 30 days from the date of the MCL violation. The plans must be approved by EPA before construction can commence. An EPA approval does not substitute for any required state or local approval.
3. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
4. If plans are required as stated in paragraph 2 above, Respondent shall submit to EPA monthly reports on the progress made toward bringing the



System into compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63. The reports shall be due within 10 days of the end of each month.

5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If the System has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the System provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. §§ 141.152-.155 by preparing and delivering a complete and accurate CCR for each year thereafter by July 1 annually, and provide certification each year thereafter by October 1 annually.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.



9. Except where a different reporting period is specified above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
10. 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, Colorado 80202-1129

GENERAL PROVISIONS

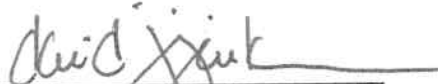
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than



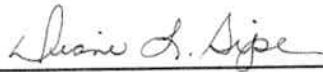
\$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 15<sup>th</sup> day of March, 2007.



David J. Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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





Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

Pollution Prevention Clearinghouse  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.  
(800) 368-5888

Emergency Planning and Community Right-To-Know Act  
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)  
(800) 424-8802

Toxics Substances and Asbestos Information  
(202) 554-1404

Safe Drinking Water  
(800) 426-4791

Stratospheric Ozone Refrigerants Information  
(800) 296-1996

Clean Air Technology Center  
(919) 541-0800

Wetlands Helpline  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page  
[www.epa.gov](http://www.epa.gov)

Small Business Assistance Program  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

Compliance Assistance Home Page  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

Office of Enforcement and Compliance Assurance  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

Small Business Ombudsman  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

Innovative Programs for Environmental Performance  
[www.epa.gov/partners](http://www.epa.gov/partners)

