

## Written Answer to Complaint

2007 NOV 27 FR 3:05

Docket No. SDWA-08-2007-0089

## Written Request for Hearing

To:

United States Environmental Protection Agency Region 8

Margaret J. ("Peggy") Livingston  
Enforcement Attorney  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-7202

Both Respondents:

Grand Teton Park Resort, Inc  
Harry Washut  
Jackson, Wyoming

Request a public hearing in this matter.

We've enclosed our responses in answer to the complaint.

Both Respondents would like to explore settlement possibilities  
through an informal settlement conference.

## Count I

- Violation of Maximum Contaminant Level for total Coliform.
- We exceeded the total coliform MCL as stated in 40 CFR  
141.63
- October 2006 and retest in December 2006.
- After first bad test, the main well system was flushed and chlorinated.
- The main well system serves the campground sites and lower restrooms in the middle section of the campground.
- From October till May this system is valved back to only supply the convenience store/registration building.
- The middle section RV sites and bathrooms are blown out and winterized.

## Count II

- Failure to submit plan for compliance with coliform MCL.
- After violating the total coliform MCL on October 30, 2006 we failed to submit the plan for bringing the system into compliance with the MCL.
- A plan of action was taken. It wasn't written down and submitted to EPA by November 29, 2006.
- The plan of action has now been submitted.
- The system was flushed and chlorinated and resampled.

### Count III

- Failure to collect additional samples after positive result
- We violated the order because after having at least one positive coliform result in September 2006 and in December 2006, we failed to collect at least five routine samples.
- The system at that time was supplying water to only the store/registration building. We have only a few taps then.
- I believe that I talked to Teton County Health or Charla and was told three samples would be enough for a retest. After I had a good sample, I misunderstood and didn't do five samples the next month, because we test quarterly.
- I am fully aware of proper procedures now and will address it in my action plan.

## Count IV

- Untimely monitoring for nitrate.
- The order required us to monitor within thirty days of the date of the order and annually thereafter for nitrate.
- We didn't monitor by April 29, 2006.
- We did monitor for nitrate on June 6, 2006.
- We have monitored for nitrates on all three wells for 2007, and the results have been submitted to Tiffany.

## Count V

- The order required our response.
- To report any total coliform MCL violation to the EPA no later than the end of the next business day.
- We violated the order by failing to report October 2006 and December 2006 MCL violations to EPA.
- We were in contact with Teton County Health Department during this time frame.
- I was calling for assistance from Mike Dart. He might have been away from the office for an extended period of time and no one else called me back.
- I'm fully aware of proper procedures now and address it in my action plan.

## Count VI

- The order required respondents to report to EPA any failures to comply with coliform monitoring requirements within ten days of the system discovering the violation.
- We violated the order by failing to report that in the month of October 2006 and January 2007.
- We failed to take five additional coliform samples
- I'm fully aware of the proper procedures now and address it in my action plan.

## Count VII

- Failure to provide public notice of violations
- The order required us to provide notice within thirty days of the order by April 29, 2006 of past violations of the MCL total coliform in September 2005 and October 2005.
- The order also required us to collect at least five routine total coliform samples in July of 2003.
- The requirement to nitrate at two of the three wells and NPDWR violations occurring after the issuance of the order.
- I believe I sampled all three wells in 2005 for nitrates but could not find copies of the tests.
- Notice was posted to the public and employees on the camping section when we received notice of a bad sample and remained in place while we flushed, chlorinated and resampled. It remained posted until we had clean samples.
- I'm fully aware of the proper procedures now and address it in my action plan.



## Proposed Administrative Civil Penalty

- EPA has determined the proposed penalty amount in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3(g)(3).
- EPA proposes to assess an administrative civil penalty of \$10,500.00 against us for our violations of the order.
- I respectfully request that my recent full cooperation and learning of all my responsibilities in maintaining a safe public water system be taken into consideration. I believe that most of the violations occurred because of my lack of communication and proper notice to you the EPA. I may have relied on my local health department for information and guidance to an extent that I wasn't communicating with you the EPA, well at all. I know that your mission is safe drinking water for the public. I as well have always pursued the mission of safe drinking water for my customers and my family here on my campground. I believe that by reading my action plan, that you will come to understand that I always strive to maintain a safe public water system. I know I haven't kept the EPA properly informed.

- The business climate the last few years has been a continuous challenge here in Jackson Hole. Maintaining a skilled workforce in all facets of my campground operation has been problematic. Although this has taken away from my ability to complete my due diligence of communicating and reporting to you the EPA. The money and efforts to rebuild and maintain my water system as reflected in my action plan should show my continuous concern and reflect my past concerns to maintain a safe water system for me, my family, my employees, and my customers.
- I respectfully request that no fine be levied against either respondent. Now that I am fully aware of the proper procedures and notification requirements. I have completed all monitoring requirements for 2007.
- Some of my lack of communication problem stems from the fact that I changed water labs. I started using Intermountain Labs in Sheridan, WY because of its location close to another business location and family. I didn't realize at first that they

don't automatically forward results to you, which caused some delays in forwarding results to you.

- After your location visit here in late August, I gathered up and faxed missing reports to Lisa Kahn on August 30<sup>th</sup> under the name of Buffalo Valley Resort which I thought was the proper name on my public water system. Apparently Grand Teton Park RV Resort is proper.
- I am concerned that you not receiving (not knowing that I had faxed them in on August 30<sup>th</sup>) triggered your response with the complaint dated September 20<sup>th</sup>. It appeared I wasn't cooperating even after your visit. When I found out that you hadn't received them I went to the Lab in Sheridan. I then went to my friends realty office and faxed them again to Charla on September 25, 2007 with a note to let Melanie Wasco know about the first and second quarter test were done and now being reported.
- When I returned from my trip I went to Teton County Health Department to seek assistance from Mike Dart and we refaxed the results from his office on the 27<sup>th</sup> of September.

- I have now reported all four quarterly water sampling reports for 2007, for all three wells. I have also submitted nitrate reports for all three wells. I believe all three of my well systems are safe after replacing pressure tanks, repiping, etc.
- I would like to reiterate that I've always worked diligently to maintain a safe water system for my family, my employees, and my guest. Where I fall short was in the proper reporting and the follow up samples required. So that you, the EPA, would know that my water system has been safe as well. Once again I hope you don't feel the need to levy a fine as I feel I've paid the cost of repair and replacement, to bring all three of my water systems into compliance and the sleepless nights I've had.

Sincerely,  
Harry Washut

PS. If you receive this as an email version, the hard copy will follow in the mail, and will also include copies of the fax cover sheets from August 30, 2007 and September 25 & 27, 2007.

To LISA  
KAHN

PWS 5600682

8/30/07

Buffalo Valley Resort

I located my copies of water tests  
for two wells in First Quarter; west  
well not used till Spring

Three tests for 3 wells in 2nd  
Quarter

Let me know if I have to  
Fax these separately to Charla  
Colson or if you can get her copy's

Harry WASKUT

307-690-2601 cell

307-543-0927 FAX

Buffalo Valley Resort Fax

9/25/07

# EPA TEST RESULTS

Attention: Charla

Also let Melanre wasco know. I faxed these 10 days ago. I also left a voice mail I'll need to get home to see if I can find phone # I used previously when I saved them.

FROM:

Buffalo Valley Resort  
Harry Washat PWS # <sup>Wyoming</sup> 5600682  
1st + 2nd QTR TEST RESULTS

1st QTR west well wasn't in use

Resent 9-27-07 from Teton Co. EH

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0759
CONNECTION TEL	303 312 6131
SUBADDRESS	
CONNECTION ID	
ST. TIME	09/25 17:30
USAGE T	02'02
PGS. SENT	8
RESULT	OK

9/25/07

# EPA Test Results

Attention: Charla

also let Michaela Wasser  
know. I faxed these today. It  
looks like left a voice mail. I'll  
need to get home to see if I can  
find plan # I used previously when I  
saved them.

From:

Buffalo Valley Resort

Henry W. Hest PWS # <sup>Wyoming</sup> 5600692

1st & 2nd QTR Test Results

1st QTR most well wasn't in use

Resent 9-27-07 from Teton Co. EH



HP LaserJet 3390

# Fax Activity Log



TC Environmental Health  
3077328491  
Sep-27-2007 10:25

Job	Date	Time	Type	Identification	Duration	Pages	Result
845	9/ 6/2007	08:34:56	Send	97347999	0:00	0	Busy
846	9/ 6/2007	08:40:24	Send	97347999	0:00	6	Busy
847	9/ 6/2007	08:45:52	Send	97347999	0:00	0	Busy
848	9/ 6/2007	08:51:21	Send	97347999	0:00	0	Busy
849	9/ 6/2007	08:56:49	Send	97347999	0:00	0	Busy
850	9/ 6/2007	09:03:58	Send	7347999	0:57	3	OK
851	9/ 7/2007	12:12:12	Send	7349175	0:55	1	OK
852	9/11/2007	10:32:40	Receive		0:29	1	OK
853	9/11/2007	12:55:55	Receive	307 739 1516	0:33	1	OK
854	9/11/2007	12:57:20	Receive	307 739 1516	0:44	2	OK
855	9/12/2007	10:22:34	Send	7399856	0:54	2	OK
856	9/12/2007	10:24:12	Send	7343563	0:52	2	OK
857	9/13/2007	08:59:32	Receive		0:40	1	OK
858	9/13/2007	09:48:16	Send	7335767	1:52	5	OK
859	9/14/2007	07:33:35	Send	7343563	0:51	2	OK
860	9/14/2007	07:37:00	Send	7399856	0:54	2	OK
861	9/14/2007	07:38:24	Send	7399856	0:54	2	OK
862	9/14/2007	07:40:02	Send	7334365	1:29	2	OK
863	9/14/2007	07:41:46	Send	17194735324	0:00	0	Busy
864	9/14/2007	07:43:21	Send	17194735324	0:00	0	Busy
865	9/14/2007	07:48:58	Send	17194735324	0:00	0	Busy
866	9/14/2007	07:54:35	Send	17194735324	0:00	0	Busy
867	9/14/2007	07:56:22	Send	17194735324, 35	1:35	2	OK
868	9/14/2007	08:00:08	Send	17194735324	0:09	0	Stop
869	9/19/2007	08:33:49	Send	7347550	0:00	0	Busy
870	9/19/2007	08:35:52	Send	7347550	0:00	0	No answer
871	9/19/2007	12:29:12	Send	13077776593, 35	0:56	1	OK
872	9/20/2007	08:24:43	Send	7328491	0:52	0	Stop
873	9/20/2007	08:26:12	Send	7347550	0:00	0	No answer
874	9/20/2007	10:27:13	Send	13077776593, 35	1:03	1	OK
875	9/20/2007	12:24:02	Receive	307 734 8675	1:03	1	OK
876	9/20/2007	12:55:50	Receive	3077349663	2:27	1	Comm Error: 232
877	9/20/2007	12:58:34	Receive	3077349663	2:27	1	Comm Error: 232
878	9/21/2007	10:01:01	Receive		0:32	1	OK
879	9/24/2007	14:24:54	Receive		0:41	1	OK
880	9/25/2007	16:21:09	Receive	3077330044	1:01	1	OK
881	9/26/2007	10:28:34	Receive	307 739 9060	0:59	2	OK
882	9/27/2007	08:10:00	Send	13077776593, 35	0:54	1	OK
883	9/27/2007	10:19:53	Send	13033126131, 35	1:18	2	Comm Error: 441
884	9/27/2007	10:22:22	Send	13033126131, 35	2:57	9	OK

Date: NOV 1 2007



PWS # 5600682N

P.O. Box 92, Moran, Wyoming 83013  
Phone: 1-800-563-6469

## Public Notice

### Failure To Monitor Violation Total Coliform Bacteria

To All Grand Teton Park RV Resort Water Users:

*We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the last year we did not complete all monitoring for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.*

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period	<u>2005</u>	<u>2006</u>	<u>2007</u>
Failure to monitor (1 <sup>st</sup> )			
Failure to monitor (2 <sup>nd</sup> )			
No replacement sample			
Insufficient number of routines	X	X	X
Insufficient additional routines			
Samples taken early/late			
No repeat sampling	X	X	X
Repeats taken too late			
Insufficient quantity of repeats (<3)			
Insufficient quantity of repeats(<4)			

**Subsequent water samples have been analyzed as safe.**

If you have any questions, please contact Harry Washut at 307-690-2661

*Please share this information with all the other people who drink this water, especially those who may not have received the notice directly at their RV site, room door, or bath houses.*