

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 OCT 19 AM 9:35

IN THE MATTER OF)
)
High Country Subdivision)
Jackson, Wyoming)
) Docket No. SDWA-08-2007-0079
)
Respondent)
)
Proceedings under section 1414(g))
Of the Safe Drinking Water Act,)
42 U.S.C. §300g-3(g))

EPA REG. DISTRICT VIII
HEARING CLERK

**ANSWER OF RESPONDENT HIGH COUNTRY WATER DISTRICT
TO COMPLAINT AND
REQUEST FOR HEARING**

Respondent, by and through its undersigned attorney, responds to the August 28, 2007 Complaint in the above-captioned matter as follows:

GENERAL ALLEGATIONS

1. Admitted, with the further explanation that the High Country Water District is a Special Improvement District created pursuant to the laws of the state of Wyoming, and is a separate entity from the High Country Subdivision referred to in Paragraph 1 of the Complaint.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted
10. Admitted

11. Admit that the letter was received, but deny that the letter accurately portrays what had transpired. Specifically the Respondent District's Level 1 Operator Mr. Wagner told EPA representatives on the phone in December 2006 that the Respondent had installed an underground concrete vault and chemical injection devices to provide both corrosion control and chlorine injection to prevent further coliform problems, and that the Mr. Wagner had contacted and was waiting for a Jackson, Wyoming engineer to provide the him and the Respondent with the chemical parameters to be used in that system for corrosion control. As a result, the EPA representatives told Mr. Wagner on the phone in December 2006 that the 3-month deadline to submit a CCT plan was being further extended. Further, in a March 16, 2007 correspondence sent to the EPA, Mr. Wagner informed the EPA that the Respondent has no fire hydrants or other practical way to flush its water delivery system (short of attempting to coordinate users to turn water taps on simultaneously throughout the system), and requested that the Respondent be allowed to wait until system users started irrigating lawns (and thus running higher volumes of water through the system) to begin inserting the corrosion control chemical into the system water lines, a request that was orally granted by EPA representatives. Further, the above-referenced engineer was slow to provide the chemical parameters to be used in the Respondent's water system for corrosion control, but Mr. Wagner provided EPA with that detailed information in May 2007 promptly after receiving it from the engineer. Further, the corrosion control chemical has been in use in the Respondent's water system since mid-July 2007 with EPA's knowledge, well prior to the filing of this Complaint. Further, the Respondent's corrosion control chemical injection and chlorine injection systems were inspected by EPA in August 2007, prior to the filing of this Complaint, and were deemed adequate to comply with EPA requirements.
12. Admitted, but with the additional averments stated in paragraph 11, above.

COUNTS OF VIOLATION

Count I

Untimely Submission of Optimal Corrosion Control and Source Water Treatment Recommendations to EPA

1. Admitted
2. Admit that is what the June 27, 2006 letter states, but further aver that the December 2006 deadline had been further extended orally as stated in paragraph 11, above.
3. Denied as stated, and further aver as stated in paragraph 11, above.

Count II

Violation of Maximum Contaminant Level for Total Coliform

1. Admitted.
2. Admitted, but further aver that in response to the 2005 Administrative Order, Respondent promptly installed and operated an electric driven pellet feed chlorinator to ensure that no more violations of the coliform requirements would occur, but that the pellet chlorinator malfunctioned frequently over time and was eventually abandoned in favor of a liquid chlorinator installed in December 2006, and that the high coliform reading in November, 2006 occurred during a time that Respondent's pellet chlorinator had malfunctioned.

Count III

Failure to Report MCL Violation to EPA

1. The referenced document speaks for itself.
2. Admitted, but further aver that the delay in reporting was due to a miscommunication between Respondent's Level 1 Operator and the Teton County, Wyoming Public Health Department laboratory where the water was delivered for testing. Specifically the Level 1 Operator believed the County Public Health Lab was going to file the required EPA report in a timely

fashion, but such was not understood by the County Lab personnel. Once the mix-up was discovered by Respondent's Level 1 Operator, he promptly filed the report with EPA.

PROPOSED ADMINISTRATIVE CIVIL PENALTY

The Respondent Water District has a gross annual expense budget that averages approximately \$10,000.00 per year, and is overseen by a volunteer board of directors of five individuals. Even assuming Respondent is liable as alleged in the Complaint, which liability is expressly denied, the \$1,200.00 fine proposed by EPA is excessive in light of the Respondent's financial capabilities and its otherwise good faith efforts at complying with EPA monitoring and reporting requirements.

REQUEST FOR HEARING

Pursuant to Section 554 of the Administrative Procedure Act, 5 USC §551 et. sec., Respondent requests a hearing on the record before an administrative law judge..

Dated this 16th day of October, 2007.



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CERTIFICATE OF SERVICE

I hereby certify that I have caused the original of the foregoing document to be served upon the following person(s) on the date and by all of the methods indicated below either personally or by direction to staff employees in the normal course of business.

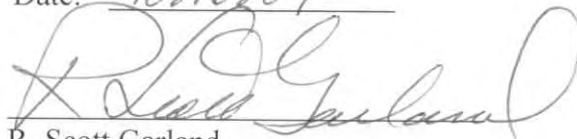
Tina Artemis
Region 8
Hearing Clerk (8RC)
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202
Phone: (303) 312-6858

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I hereby certify that I have caused a copy of the foregoing document to be served upon the following person(s) on the date and by all of the methods indicated below either personally or by direction to staff employees in the normal course of business.

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