



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

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

Ref: 8ENF-W

FEB 28 2012

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Freemont County Commissioners
c/o Doug Thompson, Chair
450 N. 2nd Street, Room 205
Lander, WY 82520

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Owners/Operators of Bitterroot Ranch
PWS ID#5601511


Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

An Administrative Order is being issued to Bitterroot Ranch Operations Limited Partnership, Bitterroot Ranch Family Limited Partnership, Bitterroot Ranch, LLC (Bitterroot), and Hadley Fox. This Order requires that Bitterroot and Handley Fox take measures to return the Bitterroot Ranch public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for total coliform bacteria and failure to report the violations to the EPA.

For more details, 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 Kathelene Brainich at (303) 312-6481.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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REGION 8

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DENVER, CO 80202-1129
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FEB 28 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bayard Fox, Registered Agent
Bitterroot Ranch Family Limited Partnership and
Bitterroot Ranch Operations Limited Partnership
1480 E. Fork Road
Dubois, WY 82513

Hadley Fox, Operator
Bitterroot Ranch
1480 E. Fork Road
Dubois, WY 82513

Addison E. Winter, Registered Agent
Bitterroot Ranch LLC
205 S. Broadway Ave.
Riverton, WY 82501-4349

Re: Administrative Order
Bitterroot Ranch Water System
Docket No. **SDWA-08-2012-0013**
PWS ID #5601511

Dear Mr. and Ms. Fox and Mr. Winter:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Bitterroot Ranch Family Limited Partnership, Bitterroot Ranch Operations Limited Partnership, and Bitterroot Ranch, LLC (Bitterroot), and Hadley Fox (Ms. Fox), as owners and/or operators of the Bitterroot Ranch water system (the System), have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

If Bitterroot and Ms. Fox comply with the Order, the 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from an attorney representing Bitterroot and/or Ms. Fox should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'AP', is written over the typed name and title of the signatory.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 FEB 28 AM 9:57

IN THE MATTER OF:)
)
Bitterroot Ranch Operations Limited Partnership,)
Bitterroot Ranch Family Limited Partnership,)
Bitterroot Ranch, LLC and Hadley Fox)
)
Respondents.)

Docket No. SDWA-08-2012-0013

FILED
EPA REGION VIII
TRAINING 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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Bitterroot Ranch Operations, Bitterroot Ranch Family Limited Partnerships, Bitterroot Ranch, LLC and Hadley Fox (Respondents) own and/or operate the Bitterroot Ranch Water System (the System), which provides piped water to the public in Fremont County, Wyoming, for human consumption. Bitterroot Ranch Operations, Bitterroot Ranch Family Limited Partnership, and Bitterroot Ranch, LLC are Wyoming corporations and Hadley Fox is an individual.
3. The System is supplied by a groundwater under the direct influence of surface water source consisting of 3 non-interconnecting wells. Water is treated by cartridge filtration and both UV and chlorine disinfection. The System is open seasonally from May through September.
4. The System has approximately 16 service connections and/or regularly serves an average of approximately 45 individuals daily at least 60 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. The System is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
5. Respondents are subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondents are required to collect a set of 3 repeat samples. Respondents failed to take 3 repeat samples of the System's water within 24 hours of being notified of an August 23, 2011, and a July 29, 2011, result that was positive for total coliform and, therefore, violated this requirement. 40 C.F.R. § 141.21(b)(1)-(4).
7. Respondents are required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations cited in paragraph 6, above, to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

8. If any total coliform routine sample for the System is positive for total coliform, Respondents shall collect a set of 3 repeat samples within 24 hours of being notified of the positive result, following the procedures in 40 C.F.R. § 141.21.
9. If Respondents violate any coliform monitoring requirement in 40 C.F.R. part 141, Respondents shall report this violation to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).
10. Respondents shall direct all reporting required by this Order to:

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

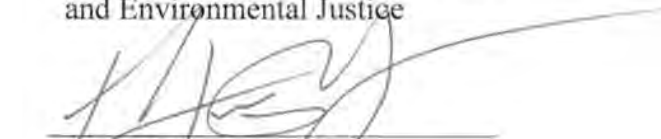
GENERAL PROVISIONS

11. This Order shall 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 the EPA to forgo any civil or criminal action.
12. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: Feb 28, 2012



Eduardo Quintana, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.