



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAR 11 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

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

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Fire Island Holdings Inc.
PWS ID#WY5601258 – Pub Place

Dear County Commissioners:

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

An Administrative Order is being issued to Fire Island Holdings Inc., for SDWA violations at Pub Place, located 3.5 miles south of Jackson on highway 91. This Order requires that Fire Island Holdings Inc., take measures to return its public water system (Pub Place) to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The violations include: failure to monitor for total coliform and nitrate.

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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure



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MAR 11 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Ned Hurley, Chairman
Fire Island Holdings, Inc.
121 Maple Ave.
Bay Shore, New York 11706

Re: Administrative Order
Docket No. **SDWA-08-2008-0023**
PWS ID #WY5601258 – Pub Place

Dear Mr. Hurley:

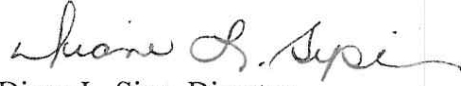
Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* Among other things, the Order describes how Fire Island Holdings, Inc. violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Fire Island Holdings, Inc. complies with the Order for twelve months, 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. We also note that the Wyoming Secretary of State's web site has no record of Fire Island Holdings, Inc's registration as an out of state corporation doing business in Wyoming.

To submit information or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515, or (303) 312-6515. For legal questions, the attorney assigned to this matter is Thomas Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures
Order

cc: Sam Jenniches, Operator, Pub Place
WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 MAR 11 PM 3:19

IN THE MATTER OF)

Fire Island Holdings, Inc., Owner)

Pub Place)

Jackson, Wyoming)

Respondent)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2008-0023**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Fire Island Holdings Inc. (Respondent) is a New York corporation which owns and/or operates Pub Place (the System) located 3.5 miles south of Jackson on highway 91 in Teton County, Wyoming which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well, is not treated, and serves approximately 70 people through 3 service connections all year. The System is a "transient non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

VIOLATIONS

3. Respondent is required to monitor the System's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during 1st (January-March) quarter 2007, and 3rd (July-September) quarter 2007, and therefore violated this requirement.

4. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within ten days after the System learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violations listed in paragraph 3 above and therefore violated this requirement.

5. Respondent is required to monitor the System's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2007, and therefore violated the requirement.

6. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraph 4 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violation listed in paragraph 5 above to EPA and therefore violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

7. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

8. Within 30 days of receipt of the Order and annually thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Respondent shall report any violation of the drinking water requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

9. 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, CO 80202-1129

GENERAL PROVISIONS

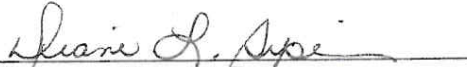
10. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by

EPA to forgo any civil or criminal action.

11. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.



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



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