



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

APR 19 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Albany County Commissioners
c/o Tim Sullivan, Chairman
525 Grand Ave, Ste. 202
Laramie, WY 82070

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Snowy Range Ski Area
PWS ID # WY5600946

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to First Capital West Bankshares, Inc., which does business under the trade name First National Bank of Wyoming and owns and/or operates the Snowy Range Ski Resort, located in Albany County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria; and failing to monitor for nitrate.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darcy O'Connor", with a long horizontal line extending to the right.

Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Loren J. Richards, Registered Agent
First Capital West Bankshares, Inc.
2020 E. Grand Ave.
Laramie, WY 82070

Re: Administrative Order
The Snowy Range Ski Area Public
Water System
Docket No. SDWA-08-2010-0032
PWS ID #WY5600946

Dear Mr. Richards:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that First Capital West Bankshares, Inc., which does business under the trade name "First National Bank of Wyoming" and is owner and/or operator of the Snowy Range Ski Area public water system, has violated the National Primary Drinking Water Regulations (drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information First Capital West Bankshares, Inc. believes EPA may not have. If the Snowy Range Ski Area complies with the Order, 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.

To submit information or request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from First Capital West Bankshares, Inc.'s attorney should be directed to Peggy Livingston, Enforcement Attorney, who

may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
Order

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Tyson Cartwright, Financial Assistant, First National Bank of Wyoming
Jerry Thuente, General Manager, Snowy Range Ski Area

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 APR 19 AM 9:06

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
First Capital West Bankshares, Inc.,)
)
)
Respondent.)

Docket No. SDWA-08-2010-0032

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. First Capital West Bankshares, Inc. (Respondent), is a Wyoming corporation that does business under the trade name First National Bank of Wyoming. Respondent owns and/or operates the Snowy Range Ski Area Water System (the system), which provides piped water to the public in Albany County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one primary and one back-up well.
4. The system has approximately 9 service connections and/or regularly serves at least 180 individuals daily at least 60 days out of the year, from late November through mid-April of each year. Therefore, the system is a "public water system" as defined in § 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. Respondent is 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the system's water for total coliform bacteria during the 4th quarter of 2007 and the 4th quarter of 2008, and, therefore, violated this requirement.
7. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2009, and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 6, above, to EPA and, therefore, violated this requirement.

9. Respondent is required to report any violation of any drinking water regulation to EPA within 48 hours, except where the drinking water regulations specify a different time period. 40 C.F.R. § 141.31(b). Respondent failed to report the violation cited in paragraph 7 to EPA and, therefore, violated this requirement.

ORDER

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

10. Respondent shall monitor the system's water for total coliform bacteria, during the first and fourth quarters of the year, as required by 40 C.F.R. § 141.21.

11. Respondent shall monitor the system's water annually for nitrate per the regulations. 40 C.F.R. § 141.23(d).

12. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

13. Respondent shall report any violation of the total coliform monitoring requirements to EPA within ten days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

14. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours or, if another time period for reporting is specified in this Order or the drinking water regulations, within that time period, as required by 40 C.F.R. § 141.31(b).

15. Respondent 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

16. 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.

17. Violation of any part of this Order or the drinking water regulations may subject Respondent 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: April 19 _____, 2010

David Rochlin

Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Darcy O'Connor

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

