



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

T.A. Guest Ranch, Inc.  
c/o Earl K. Madsen, President  
P.O. Box 313  
Buffalo, WY 82834

RE: 3<sup>rd</sup> Violation of Emergency Administrative  
Order  
Docket No. SDWA-08-2011-0047  
T.A. Guest Ranch Public Water System  
PWS ID #WY5601618

Dear Mr. Madsen:

On June 21, 2011, the US Environmental Protection Agency (EPA) issued an Emergency Administrative Order (Order), Docket No. SDWA-08-2011-0047, directing the T.A. Guest Ranch, Inc., as owner and/or operator of the T.A. Guest Ranch public water system (the System), to take certain measures to protect public health under section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i.

The EPA's records indicate that T.A. Guest Ranch, Inc. (Respondent) is in continuing violation of the Order. Among other things, the Order included the following requirements (quoted from paragraphs 14, 18, 25, and 29 on pages 3 through 6 of the Order):

1. *Respondent shall monitor and record chlorine residual of the water leaving the System's storage tanks daily to ensure a chlorine residual between 1.0 mg/l and 4.0 mg/l. Respondent shall report the daily chlorine residual measurements to EPA daily by fax or email, until notified by EPA that this is no longer required.*

Respondent last reported chlorine residual readings to the EPA on July 19, 2011, for the dates of July 14 through 18, 2011. However, Respondent has not reported daily chlorine residual readings to the EPA for July 19, 2011, through the current date, as required in the Order.

2. *After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number*

*of daily total coliform sample results from the System have been negative. Respondent shall collect weekly special purpose bacteriological samples (1 sample per week).*

Respondent last collected a weekly sample on July 21, 2011, with results reported by the laboratory used by the Respondent on August 1, 2011. On August 21, 2011, Respondent collected a regular sample and reported these results to the EPA. However, the EPA has not received weekly sample results for the July 24 to August 15 period, nor for the period of August 28 to the present.

3. *Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure the supply of safe water throughout the System's distribution system. If possible, the plan shall identify the cause of the positive E. coli and total coliform samples mentioned above. The plan shall also describe efforts Respondent will take to prevent recurrence of total coliform and E. coli positive contamination in the System's distribution system. The plan shall include proposed System modifications, estimated costs of modifications, a schedule for completion of the project and compliance with the Order and Federal requirements. Further, the compliance plan and schedule must include any actions required to address any "significant deficiencies" in the System relevant to the current situation that may be identified during a sanitary survey of the System undertaken by EPA. The proposed schedule shall include specific milestone dates and a final compliance date to be completed within 2 months from the date of EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) that may also be required before modifications can be made to the System.*

On July 19, 2011, Respondent submitted its proposed compliance plan and schedule to the EPA. However, on July 20, 2011, the EPA requested by e-mail that Respondent submit a revised compliance plan and schedule including "projected dates for completion based on a schedule that includes appropriate DEQ [Wyoming Department of Environmental Quality] approvals." The EPA reiterated this reminder to Respondent in its letter of August 12, 2011. Respondent has not submitted a revised proposed compliance plan and schedule. The EPA reminds Respondent per paragraph 25 of the Order, as cited above, "[t]he plan and schedule must be approved by the EPA before construction or modifications may commence." Therefore, if any modifications have been made to the system, Respondent will be in further violation of the Order.

4. *In addition to the reporting requirements in paragraph 22 [of the Order], Respondent shall give daily updates to EPA on the progress of returning the System to compliance. Daily updates must be submitted to EPA until EPA notifies the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.*

Respondent has not provided the EPA with daily updates since the Order was issued. The EPA has not notified Respondent that daily updates may be discontinued.

The EPA is concerned that, given Respondent's ongoing violations of the Order, especially requirements for regular sampling for total coliform bacteria and maintaining the required chlorine residual, the health of users of the T.A. Guest Ranch public water system may not be fully protected. Further, the EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Emergency Administrative Order may lead to (1) a penalty of up to \$16,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with the EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston  
Enforcement Attorney  
U.S. EPA, Region 8 (8-ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ and DOH (via e-mail)  
Kirsten Giles, Manager/Operator, T.A. Guest Ranch (via e-mail)