



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jane A. Sherman, Registered Agent
Chippy's Kitchen LLC
P.O. Box 577
Wilson, Wyoming 83014

William A. Field, Registered Agent
Wilson Hardware, Inc.
P.O. Box 397
Wilson, Wyoming 83014

Re: Administrative Order regarding Chippy's Catering/Wilson Hardware Public Water System,
PWS ID #5601688, Docket # **SDWA-08-2019-0003**

Dear Registered Agents:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Chippy's Kitchen LLC and Wilson Hardware, Inc. (Corporations), as the owners and/or operators of the Chippy's Catering/Wilson Hardware Public Water System in Teton County, Wyoming, have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations). This Order supersedes the Order issued to the Corporations on September 19, 2016, Docket # SDWA-08-2016-0027.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the Corporations believe the EPA may not have (for example, monitoring that may have been done but not submitted, updates to the numbers of connections and/or individuals served). If the EPA does not hear from the Corporations, the EPA will assume the information in the Order is correct.

An Emergency Response Plan template is enclosed to assist you with correcting the significant deficiency violation. Simply complete the form, save a copy for your file, and email a copy to Carballal-Broome.Christina@epa.gov.

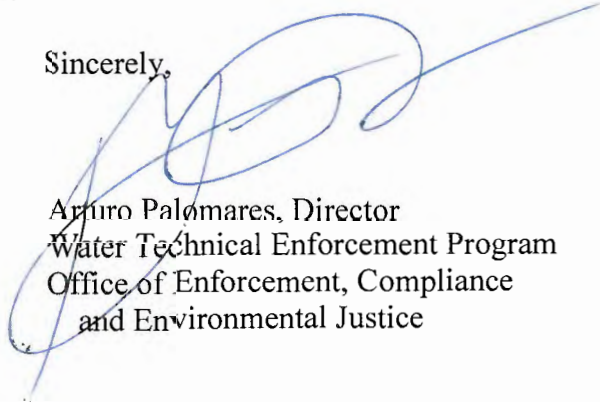
If the Corporations comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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 Christina Carballal via email at Carballal-Broome.Christina@epa.gov, or by phone at (800) 227-8917, extension 6046 or (303) 312-6046. Any questions from Corporations' attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached via email at bearley.mia@epa.gov, or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Arturo Palomares', is written over the typed name and title.

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

Enclosures

cc: Teton County Commissioners (mnewcomb@tetonwyo.org)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 NOV 14 AM 9:00

IN THE MATTER OF:)
)
Chippy's Kitchen LLC and)
Wilson Hardware, Inc.,)
WY5601688)
)
Respondents.)

Docket No. **SDWA-08-2019-0003**

FILED
EPA REGION VIII
HEARING 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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Chippy's Kitchen LLC and Wilson Hardware, Inc. (Respondents) are Wyoming corporations that own and/or operate the Chippy's Catering/Wilson Hardware Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source accessed by one well. The System's water is untreated.

4. The System has approximately one service connection and 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).

6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to complete corrective action of a significant deficiency in accordance with an EPA approved corrective action schedule or within 120 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondents received a letter from the EPA on February 27, 2018, which detailed a significant deficiency, and the EPA approved a schedule for the System to complete the corrective action by August 19, 2018. Respondents failed to the corrective action by August 19, 2018, and/or failed to notify the EPA of corrective action completion by September 20, 2018, and, therefore, violated this requirement.

8. Respondents are required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondents failed to monitor the System's water for total coliform bacteria during August, November, and December 2017 and, therefore, violated this requirement.

9. Respondents are required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the System's water for nitrate during 2015 and, therefore, violated this requirement. Respondents subsequently monitored in 2016, 2017 and 2018.

10. Respondents are required to notify the public of certain violations of the Drinking Water Regulations no later than 1 year after the System learns of the violation and, within 10 days after completing public notice, provide a copy of the public notice to the EPA. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the total coliform November 2017 and the nitrate 2015 violations cited in paragraphs 8 and 9 above and/or failed to submit a copy to the EPA, and therefore violated this requirement. Public notice for all other violations is not past due.

11. Respondents are required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondents failed to report the violations listed in paragraph 8, above, to the EPA and, therefore, violated this requirement.

12. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violation cited in paragraphs 7 and 9, above, to the 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):

13. Within 30 days of receipt of this Order, Respondents shall complete an Emergency Response Plan (ERP) to address the significant deficiency and submit a copy of the ERP to the EPA. Thereafter, Respondents shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

14. Respondents shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

15. Respondents shall monitor the System's water for nitrate as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Respondents shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

16. Within 30 days after receipt of this Order, Respondents shall notify the public of the all monitoring violations cited in paragraphs 8 and 9, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/public-notification-drinking-water-violations-wyoming-and-tribal-lands-epa-region-8>. The template to use for the Tier 3 notice is titled Revised Total Coliform Rule - Failure To Monitor - PN Template. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.

17. Unless a different reporting requirement is specified by the Drinking Water Regulations, Respondents shall report each monitoring result to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

18. This Order shall be binding on Respondents, their successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondents.

19. Respondents shall remain obligated to comply with this Order even if Respondents (a) lease the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System. Respondents shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change.

20. Respondents shall direct all reporting required by this Order via email to both:

R8DWU@epa.gov and Carballal-Broome.Christina@epa.gov


GENERAL PROVISIONS

21. 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.

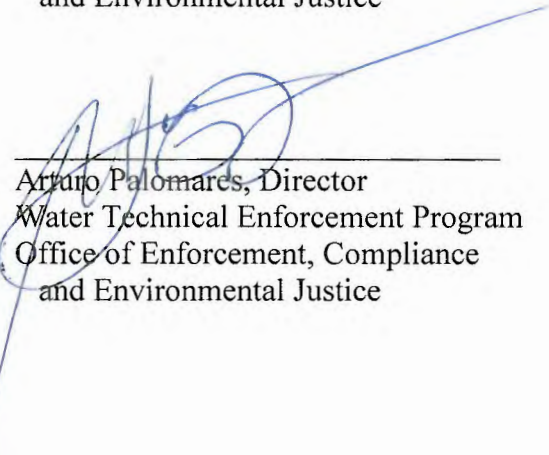
22. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

23. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

Issued: November 14th, 2018.



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

Emergency Response Plan for Transient Ground Water Systems

All public water systems must have an Emergency Response Plan (ERP) that details emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. When a sanitary surveyor conducts a sanitary survey on your system they will ask if you have an ERP. Please fill this form out now, and keep it handy.

System Name: Chippy's
Public Water System (PWS) Number: WY5601688
Operator Name/Cell #: _____
Back-up Operator Name/Cell #: _____
Owner Name/Cell #: _____
Population Served: _____ Number of Service Connections: _____
Chemicals Used to Treat the Water: _____
Name/# of Chemical Supplier: _____

Life Threatening Emergency #: _____
County Sheriff #: _____
Critical/Vulnerable Customer Contact #s: _____

EPA Emergency Contact (Monday - Friday 9-4 pm Mountain Time) #: 1-800-227-8917
EPA After Hours Emergency Contact #: 1-800-424-8802 (Inform the operator you are a drinking water system operator in EPA Region 8)

Wyoming Association of Rural Water Systems #: 307-436-8636
WY DEQ District Engineer Name and #: _____
Alternate Sources of Drinking Water _____
Power Company #: _____ Electrician #: _____
Plumber #: _____ Parts Supplier #: _____
Wyoming Water Agency Response Network #: 307-235-7535 Website: www.wyowarn.org

LOSS OF PRESSURE/WATER OUTAGE ACTION PLAN***

WATER CONTAMINATION ACTION PLAN***

Shut-off valve location and instructions: _____
Location of spare or repair parts: _____

Please see the following website for more detailed information on Emergency Response for Drinking Water and Wastewater Utilities: <https://www.epa.gov/waterutilityresponse>
**ALWAYS CALL THE EPA TOTAL COLIFORM RULE OR GROUND WATER RULE MANAGER
IF YOU HAVE A TOTAL COLIFORM RULE (TCR) POSITIVE/UNSAFE SAMPLE AT 1-800-227-8917**

***Emergency preparedness assistance, Public Notices for Loss of Pressure, Boil Orders, Do Not Drink, etc., can be found at: <https://www.epa.gov/region8-waterops/emergency-preparedness-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

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)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

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/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

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).

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.