



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald (Ronnie) and Tanya Stuard, Owners
Bill Cody Ranch
2604 Yellowstone Hwy.
Cody, WY 82414

Re: Violation of Administrative Order
and 2nd Administrative Order
Addendum
Docket No. SDWA-08-2011-0014
PWS ID # WY5600477

Dear Mr. and Mrs. Stuard:

On January 25, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2011-0014, ordering you, as owners and/or operators of the Bill Cody Ranch public water system (system), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that you (Respondents) are in violation of the Administrative Order (the Order). Among other things, the Order and later Administrative Order Addendum, issued on May 9, 2011, included the following requirements (quoted from paragraphs 20, 21, 23 and 25 on pages 4 and 5 of the Order):

1. *Respondents shall achieve and maintain compliance with the total coliform MCL [maximum contaminant level] by the final date specified in the approved plan, or no later than four months after receiving EPA's approval of the plan and schedule required by paragraph 16, above, whichever is earliest. Respondents shall meet that deadline even if the plan as approved*

does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for non-compliance.

EPA approved Respondents' plan to achieve compliance with the total coliform MCL on May 9, 2011. Under this plan, Respondents committed to completing their proposed actions and assuring compliance with the total coliform MCL by May 15, 2011. However, Respondents' total coliform samples exceeded the MCL during the months of May 2011 and July 2011, following three total coliform-positive samples on May 24, and two total coliform-positive samples on July 27. Respondents therefore did not fulfill the above requirement.

2. If any routine sample for the system is total coliform positive, Respondents shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21.

On July 27, 2011, two samples collected by Respondents tested total coliform-positive. Respondents collected only four of the required five routine samples in August 2011. Respondents therefore did not fulfill the above requirement.

3. Respondents shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period.

Respondents failed to report to EPA the failure to collect the required number of routine samples during August 2011, cited above.

4. Within 30 days after opening for the 2011 season, Respondents shall notify the public of the violations cited in paragraphs 7 through 10, above, following the instructions provided with the public notice templates provided to Respondents with this Order. 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. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to EPA.

Respondents failed to provide a copy of the public notice as required under the Order. Further, following the total coliform MCL violations in May 2011 and July 2011 discussed above, Respondents failed to provide public notice as required within 30 days of learning of the violation or to submit to EPA a copy of the public notice provided. (Public notice for Respondents' failure to

collect 5 routine samples in August 2011 is not due until 12 months from that violation.)

5. The Respondents' plan to achieve compliance, approved in EPA's Administrative Order Addendum letter of May 9, 2011, included the following proposed action and milestone dates.

<u>Action</u>	<u>Start Date</u>	<u>Finish Date</u>
Seal spring box.	March 30, 2011	May 15, 2011

While Respondents reported completion of the above action on May 11, 2011, photographs provided by the Respondents appeared to show that duct tape was used on the spring box as a temporary seal. Respondent Ronnie Stuard confirmed by telephone on May 17 that a spring box sanitary seal had not been installed. As of the date of this letter, Respondents had not yet reported installation of a proper seal on the spring box. Installation of a sanitary seal was discussed in detail with Respondents during a technical assistance visit by an EPA contractor on May 23.

Further, as the Respondents have not achieved compliance with the MCL for total coliform, **Respondents must now submit a revised compliance plan and schedule to EPA within 30 days.** This plan will be incorporated into the Order as enforceable requirements upon written approval by EPA. Additional guidance on this revised compliance plan and schedule is included in paragraphs 16 through 20 of the Order.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

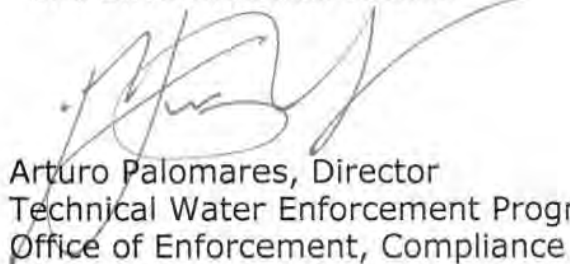
If you have any questions or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Eduardo Quintana, Enforcement Attorney, at 1-800-227-8917, extension 6924 or (303) 312-6924 or at the following address:

Eduardo Quintana
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.



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



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

cc: Tina Artemis, EPA Regional Hearing Clerk
Daniel Aklufi, Realty Specialist, Shoshone National Forest
WY DEQ and DOH via e-mail