



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 MAY -5 PM 12:37

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAY 05 2011

FILED
EPA REGION VIII
HEARING CLERK

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

Re: Notice of Safe Drinking Water Enforcement
Action against Jackson Hole Campground
Public Water System
PWS ID # WY5600520

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 the Jackson Hole Campground located in Teton County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for nitrate and failing to monitor for total coliform bacteria.

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,

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

Enclosure
Order



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Jamie Mackay, Registered Agent
Mackay Investments, LLC
P.O. Box 1827
Wilson, WY 83014

Re: Administrative Order
Jackson Hole Campground
Public Water System
Docket No. SDWA-08-2011-0037
PWS ID # WY5600520

Dear Ms. Mackay:

Enclosed is an Administrative Order (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 alleges that Mackay Investments, LLC (the company), as owner of the Jackson Hole Campground, has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please request that the company review the Order and within 10 days provide EPA with any information the company believes EPA may not have. If the company 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.

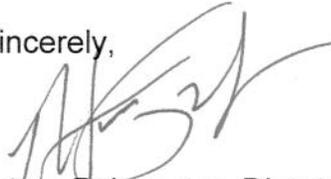
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires Mackay Investment's LLC to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with EPA, the company may 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 the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order
SBREFA information sheet
Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ (via e-mail)
WY DOH (via e-mail)
Tom Hedges, Manager, Jackson Hole Campground

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 MAY -5 PM 1:02

IN THE MATTER OF:)
)
Mackay Investments, LLC)
)
)
Respondent.)

Docket No. SDWA-08-2011-0037

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 the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Mackay Investments, LLC (Respondent) is a Wyoming corporation that owns and/or operates the Jackson Hole Campground water system (the system), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one well; the system's water is not treated.
4. The system has approximately 78 service connections and/or regularly serves an average of approximately 170 individuals daily at least 60 days out of the 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).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

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 2010, and, therefore, violated this requirement.
8. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor during the 3rd quarter (June – September) of 2006, the 4th quarter (October – December) of 2008, the 3rd quarter of 2010, and the 4th quarter of 2010, and, therefore, violated this requirement.
9. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations which occurred during 2006 and 2008 listed in paragraph 8, above, and, therefore, violated this requirement. Public notice for the violation cited in paragraph 7 and the violations listed in paragraph 8 which occurred during 2010 is due within twelve months of the cited violation.
10. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 8 and 9, above, to EPA and, therefore, violated this requirement.
11. Respondent is required to report any failure to comply with 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 violations cited in paragraphs 7 and 10 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):

12. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23.
13. Respondent shall monitor the system's water for total coliform bacteria quarterly, as required by 40 C.F.R. § 141.21.
14. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a).
15. Respondent shall report any violation of the total coliform monitoring requirements to EPA within ten days after discovery, as required by 40 C.F.R. § 141.21(g)(2).
16. Respondent 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.
17. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraph 7 and 8, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.



18. Respondent shall notify EPA within 30 days after any sale of the system or any reduction in the population served by the system if such reduction brings the number of service connections to fewer than 15 or the number of individuals served to fewer than 25.

19. Respondent shall direct all reporting required by this Order to:

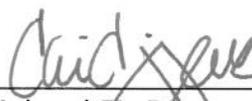
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

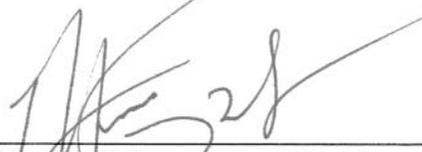
20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

21. 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: May 5, 2011.



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



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

