



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

SEP 27 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Park County Commissioners
c/o Tim French, Chairman
Park County Courthouse
1002 Sheridan Ave.
Cody, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against the GILL Holdings, LLC
PWS ID # WY5600457

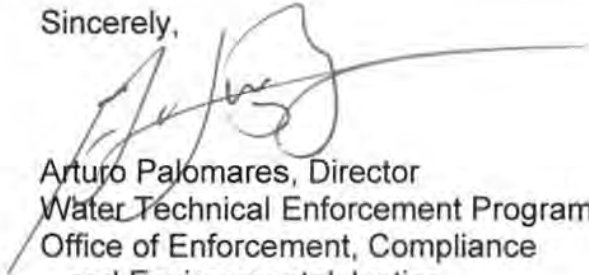
Dear Commissioners:

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

The EPA has issued an Administrative Order (Order) to GILL Holdings, LLC, which owns and/or operates the UXU Ranch public water system, located in Park 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, failing to monitor for turbidity and disinfectant residuals, and failing to report certain violations to the EPA.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 27 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marc C. Thompson, Registered Agent
GILL Holdings, LLC
1438 Sheridan Ave., Ste. 105
P.O. Box 295
Cody, WY 82414

Re: Administrative Order
UXU Ranch Public Water System
Docket No. **SDWA-08-2012-0060**
PWS ID #WY5600457

Dear Mr. Thompson:

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 GILL Holdings, LLC (Company), as owner and/or operator of the UXU Ranch public water system (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have. Please note: this Order is separate from and in addition to the Administrative Order issued to Gill Holdings, LLC, on May 10, 2012 and includes additional requirements.

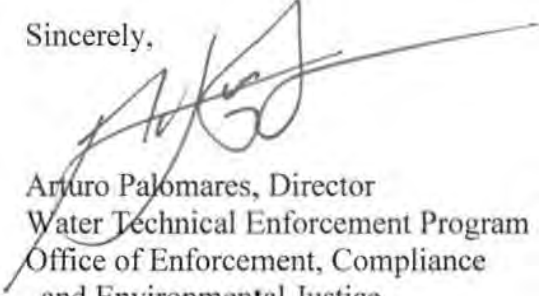
If the Company complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

To submit information or to request an informal conference with the 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 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

cc:
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Daniel Aklufi, Realty Specialist, Shoshone National Forest (via e-mail)
Jolene Connor, Manager, UXU Ranch public water system (via e-mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 SEP 27 AM 11: 50



IN THE MATTER OF:)
)
GILL Holdings, LLC)
)
Respondent.)

Docket No. **SDWA-08-2012-0060**

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. GILL Holdings, LLC (Respondent) is a Wyoming corporation that owns and/or operates the UXU Ranch Water System (System), which provides piped water to the public in Park County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source under the direct influence of surface water consisting of 1 spring; the System's water is treated via filtration and disinfection (both UV and chlorine treatment).

4. The System has approximately 14 service connections and/or regularly serves an average of approximately 25 individuals daily at least 4 months 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 the System annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System's water monthly 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 months of June, July and August of 2012, and, therefore, violated this requirement.

8. Respondent is required to monitor the System's filtered water for turbidity at least once per day that the System serves water to the public. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the System's water for turbidity once per day during June and July of 2012, and, therefore, violated this requirement.

9. Respondent is required to monitor the residual disinfectant concentration in the water entering the System's distribution system and to record the lowest value each day. Monitoring must be continuous or by grab samples consisting of at least one grab sample per day. If Respondent uses grab sampling in lieu of continuous monitoring and the residual disinfectant falls below 0.2 milligrams per liter (mg/l), Respondent must take a grab sample every four hours until the residual disinfectant concentration reaches at least 0.2 mg/l. 40 C.F.R. § 141.74(b)(5). Respondent failed to monitor the System's residual disinfectant level at least once per day during the months of June and July of 2012, and, therefore, violated this requirement.

10. Respondent was required to report the results of each month's turbidity measurements required by 40 C.F.R. § 141.74 to the EPA no later than the 10th day of the following month. 40 C.F.R. § 141.570. Respondent failed to report the results of turbidity measurements taken during June and July of 2012, and, therefore, violated this requirement.

11. Respondent is required to operate the system, which uses a ground water source under the direct influence of surface water, with qualified personnel who meet the requirements of the Drinking Water Regulations. 40 C.F.R. § 141.70(c). Respondent did not have a qualified operator during the period of June - August 2012 and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations cited in paragraph 7, above, to EPA and, therefore, violated this requirement.

13. Respondent is 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). Respondent failed to report the violation cited in paragraphs 8 through 11, above, to the 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):

14. Respondent shall monitor the System's water once per month during the months of June, July, August and September for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following

the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

15. At least once per day that the System provides water to the public, Respondent shall monitor the System's filtered water for turbidity as required by 40 C.F.R. § 141.74(c)(1). Within 10 days after the end of each month after the System serves water to the public, Respondent shall report results of that month's turbidity measurements to the EPA, as required by 40 C.F.R. § 141.75(b) and 141.570.

16. At least once per day that the System provides water to the public, Respondent shall monitor the residual disinfectant concentration of the water entering the System's distribution system. Monitoring shall be either continuous or based on grab samples consisting of at least one grab sample per day. If at any time the Respondent is using grab sampling, the residual disinfectant falls below 0.2 mg/l, Respondent must take a grab sample every four hours until the residual disinfectant concentration reaches at least 0.2 mg/l, as required by 40 C.F.R. § 141.74(b)(5). Within 10 days after the end of each month Respondent shall report results to the EPA as required by 40 C.F.R. § 141.75(b)(2).

17. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a schedule for Respondent to come into compliance with the requirement for qualified personnel to operate the System as required by 40 C.F.R. § 141.70(c). The plan shall include concrete steps for training designated personnel at the system and/or providing contractor support for the system by a certified operator. The proposed schedule shall include specific milestone dates and a final compliance date (to be within two months from the date of the EPA's approval of the plan and schedule). The plan and schedule must be approved by the EPA before related activities commence.

18. The plan and schedule required by paragraph 16, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA.

19. Within 10 day after completing the qualified personnel compliance plan and schedule required by paragraph 16, above, Respondent shall notify the EPA of completion of the plan and schedule.

20. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

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

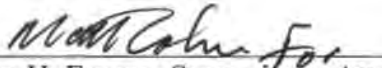
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

22. 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.

23. 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: September 27, 2012.



James H. Eppers, 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