



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

JAN 25 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Park County Commissioners
c/o Jill Shockley Simmons, Chair
Park County Courthouse
1002 Sheridan Ave. Cody, WY 82414

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Bill Cody Ranch
PWS ID # WY5600477

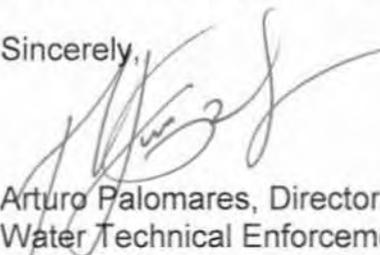
Dear Commissioners:

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 Ronald and Tanya Stuard, who own and/or operate the Bill Cody Ranch, located in Park County, WY, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria; exceeding the maximum contaminant level for total coliform bacteria; failing to provide public notice on certain violations, and failing to report certain violations to 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

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Phone 800-227-8917
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JAN 25 2011

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald and Tanya Stuard, Owners
Bill Cody Ranch
2604 Yellowstone Hwy
Cody, WY 82414

Re: Administrative Order
Bill Cody Ranch
Public Water System
Docket No. SDWA-08-2011-0014
PWS ID #WY5600477

Dear Mr. and Mrs. Stuard:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that you, as owners and/or operators of the Bill Cody Ranch public water system, have violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply 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.

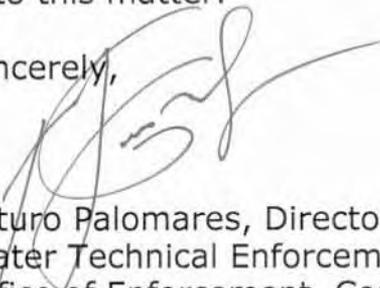
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility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

The Order requires you 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, 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 Eduardo Quintana, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6924 or (303) 312-6924.

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:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Daniel Aklufi, Realty Specialist, Shoshone National Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 JAN 25 AM 10:46

IN THE MATTER OF:)
)
)
Ronald and Tanya Stuard, Owners)
Bill Cody Ranch)
)
)

Respondents.)

Docket No. **SDWA-08-2011-0014**

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. Ronald and Tanya Stuard (Respondents) are individuals who own and/or operate the Bill Cody Ranch Water System (the system), which provides piped water to the public in Park County, Wyoming, for human consumption.
3. The system is supplied by a groundwater source consisting of one spring.
4. The system has approximately 12 service connections and/or regularly serves an average of approximately 65 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. 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondents are required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2) Respondents failed to monitor during the 2nd quarter of 2010 and, therefore, violated this requirement.
8. If two or more samples collected in any month from the system's water are positive for total coliform, the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the each of the months of August and September of 2010, two or more samples from the system were positive for total coliform, and, therefore, Respondents violated this requirement.
9. If the system has one or more total coliform –positive samples, Respondents are required to collect at least 5 routine samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system's water tested positive for total coliform on August 24, 2010, Respondents collected 5 routine samples in September 2010 as required. However, one of these samples was not tested by the lab for total coliform bacteria, and Respondents only reported results for 4 of 5 required routine samples of the system's water that month. Therefore, Respondents violated this requirement.
10. Respondents are required to conduct triggered source monitoring, collecting at least one water sample for E. coli testing from each source in use, within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive. 40 C.F.R. § 141.402 (a). The system received a total coliform-positive result for the routine water samples collected on August 24, 2010, but Respondents failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement.
11. Respondents are 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.* Respondents failed to notify the public of the violations listed in paragraph 8, above, and, therefore, violated this requirement. Note: Public notice for the violations listed in paragraphs 7, 9 and 10 is due within one year of the date of violation.



12. Respondents are 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). Respondents failed to report the violations listed in paragraphs 7, 9 and 10, above, to EPA and, therefore, violated this requirement.

13. Respondents are required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondents did not notify EPA of the MCL violations cited in paragraph 8, above, and, therefore, violated this requirement.

14. Respondents are 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). Respondents failed to report the violation cited in paragraph 11 to 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):

15. Respondents shall monitor the system's water for total coliform bacteria each 2nd and 3rd quarter, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to EPA within the first ten days following the month in which Respondents received sample results, as required by 40 C.F.R. § 141.31(a). Respondents 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. Within 30 days after receipt of this Order, Respondents shall provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within four months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's



approval of Respondents' plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

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

18. Within 30 days after receiving EPA's approval of the plan and schedule required by paragraph 16, above, Respondents shall provide EPA with quarterly reports on the progress made toward bringing the system into compliance with the total coliform MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.

19. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 16, above, Respondents shall notify EPA of the project's completion.

20. Respondents shall achieve and maintain compliance with the total coliform MCL 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 noncompliance.

21. 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.

22. Within 48 hours of receipt of this Order, Respondents shall collect at least one water sample from the groundwater source for analysis of fecal indicators, as required by 40 C.F.R. §§ 141.402 (a) and (c). Thereafter, Respondents shall comply with the triggered source monitoring requirements of the Ground Water Rule, as required by 40 C.F.R. § 141.402.

23. 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.



24. If the system's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondents shall notify EPA of this violation by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

25. 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.

26. Respondents shall direct all reporting required by this Order to:

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

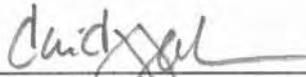
GENERAL PROVISIONS

27. 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.

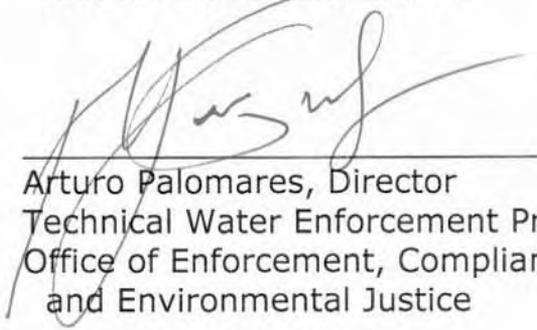


28. Violation of any part of this Order or the drinking water regulations may subject Respondents to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: January 25, 2011.



Michael T. Risner, Director
David Janik, 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



Instructions for Resolved Total Coliform Notice – Template 2-2

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take at Least 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

After Issuing the Notice

Make sure to send a copy of each type of notice along with a certification that you have met all the public notice requirements to your primacy agency within ten days after issuing the notice [40 CFR 141.31(d)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Coliform Bacteria in Bill Cody Ranch Water

During 2010 our water system violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 4 samples to test for the presence of coliform bacteria during August 2010. 3 of those samples showed the presence of total coliform bacteria. We took 5 samples to test for the presence of total coliform bacteria during September 2010. 4 of those samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves. **Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.**

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

What is being done?

[Describe corrective action.]

Further testing shows that this problem has been resolved.
For more information, please contact Ronald Stuard at 307-587-2097.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Bill Cody Ranch. State Water System ID#: WY5600477
Date distributed: _____

Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least seven days (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in italics (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Bill Cody Ranch Water System

Our water system violated drinking water standards over the past year and prior. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the 2nd quarter (April – June) of 2010, and again in August 2010 and September 2010 we did not complete monitoring and reporting requirements for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Total Coliform Bacteria	1 sample each quarter, during the 2 nd and 3 rd quarters	0	2 nd quarter 2010	8/24/10
Total Coliform Bacteria	5 samples the month following a total coliform-positive routine sample	0	September 2010	9/20/10, but only 4 of 5 required samples tested; one container broke in transit
Total Coliform Bacteria	1 source sample after total coliform-positive routine sample	0	August 2010	

What is being done?

[describe corrective action]

For more information, please contact Ronald Stuard at 307-587-2097 or 2604 Yellowstone Hwy, Cody, WY 82414.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Bill Cody Ranch water system.

State Water System ID#WY5600477

Date distributed: _____.



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

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

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners

