



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

FEB 28 2012

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Big Horn County Commissioners  
c/o Jerold S. Ewen, Chair  
P.O. Box 31  
Basin, WY 82410

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Owners/Operators of Camp Paintrock  
PWS ID#5601513

Dear Commissioners:

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

An Administrative Order is being issued to Paint Rock Canyon Enterprises, LLC (Paint Rock) and C5 Youth Foundation of Southern California, Inc. (C5). This Order requires that Paint Rock and C5 take measures to return the Camp Paintrock public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for triggered source water, exceeding of the maximum contaminant level for total coliform bacteria, and failure to report the violations to the EPA.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares".

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

Enclosure



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REGION 8

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DENVER, CO 80202-1129  
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FEB 28 2012

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Hayden F. Heaphy, Jr., Registered Agent  
Paint Rock Canyon Enterprises, LLC  
40 S. Main Street  
Sheridan, WY 82801-4222

Greg Kovacs, Registered Agent  
C5 Youth Foundation of Southern California, Inc.  
1334 S. Central Avenue  
Los Angeles, CA 90021

Re: Administrative Order  
Camp Paintrock Water System  
Docket No. **SDWA-08-2012-0012**  
PWS ID #5601513

Dear Messrs. Heaphy and Kovacs:

Enclosed is an Administrative Order (Order) issued by the 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 Paint Rock Canyon Enterprises, LLC. (Paintrock) and C5 Youth Foundation of Southern California, Inc., (C5) as owners and/or operators of the Camp Paintrock water system (the System), have 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.

If Paintrock and C5 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.

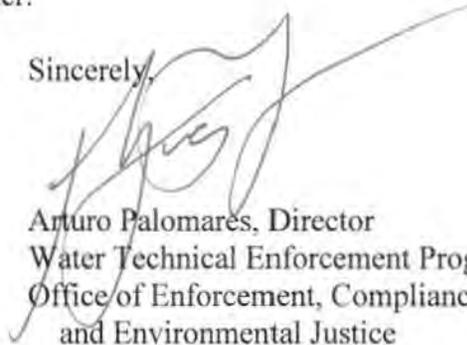
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant.

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 Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from Paintrock's and/or C5'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,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over the word 'Sincerely,' and extends to the right.

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

Enclosures:

Order  
SBREFA Information Sheet

cc: WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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HEADING CLERK

IN THE MATTER OF: )  
 )  
Paint Rock Canyon Enterprises, LLC and )  
C5 Youth Foundation of Southern California, Inc. )  
 )  
Respondents. )

Docket No. SDWA-08-2012-0012

**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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Paint Rock Canyon Enterprises, LLC and C5 Youth Foundation of Southern California, Inc. (Respondents) are a Wyoming corporation and a California corporation, respectively, that own and/or operate the Camp Paintrock Water System (the System), which provides piped water to the public in Big Horn County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of 1 well. The System's water is not treated. The System is open seasonally from June through August.
4. The System has approximately 8 service connections and/or regularly serves an average of approximately 110 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).

**VIOLATIONS**

6. If two or more samples collected in any month from the System's water are positive for total coliform, then 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 month of August 2011 two or more samples from the System were positive for total coliform, and, therefore, Respondents violated this requirement.
7. Respondents are required to conduct triggered source monitoring at each ground water source within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondents must sample

each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. A routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) collected July 6, 2011, was positive for total coliform. However, Respondents failed to collect any ground water source samples within 24 hours and, therefore, violated 40 C.F.R. § 141.402.

8. Respondents are required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondents did not notify the EPA of the MCL violation cited in paragraph 6, above, and, therefore, violated this requirement.

9. 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 paragraph 7, 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):

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

11. Respondents shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondents shall specify that it is a triggered source water sample. Respondents 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, Respondents shall report within that different period.

Respondents shall direct all reporting required by this Order to:  
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**GENERAL PROVISIONS**

12. 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.

13. 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: Feb. 28, 2012.



Eduardo Quintana, Acting 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