



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

AUG - 5 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bradley A. Greba, Registered Agent
Whitetail Creek Outfitters, Inc.
P.O. Box 68
Devil's Tower, Wyoming 82714

Re: Administrative Order issued to Whitetail Creek Outfitters Public Water System,
PWS ID # WY5601492, Docket No. **SDWA-08-2015-0034**

Dear Mr. Greba:

Enclosed is an Administrative Order (Order) issued by the United States 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 Whitetail Creek Outfitters, Inc. (Company), as owner and/or operator of the Whitetail Creek Outfitters Public Water System (System), has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, etc.). If the Order does not correctly state how many people and/or service connections are served by the System, please let the EPA know within 10 days; if the EPA does not hear from you, the EPA will assume this information is correct.

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.

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 the Company 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, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084, or (303) 312-6084, or by email at minter.jill@epa.gov. Any questions from the Company's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or by email at bearley.mia@epa.gov.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

1. Order
2. Public Notice Template
3. SBREFA Information Sheet
4. EPA Tech Tips: Follow-up to an Unsafe/Total Coliform Positive Sample

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



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AUG - 5 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Crook County Commissioners
c/o Kelly B. Dennis, Chairman
P.O. Box 37
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act Enforcement Action against the Whitetail Creek
Outfitters Public Water System, PWS ID # WY5601492

Dear Commissioners:

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

An Administrative Order (Order) is being issued to Whitetail Creek Outfitters, Inc., which owns the Whitetail Creek Outfitters Public Water System, located in Crook County, Wyoming, 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 notify the public of certain violations, 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 Jill Minter at (303) 312-6084.

Sincerely,

A handwritten signature in black ink that reads "Arturo Palomares" with a small flourish at the end.

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

Enclosure:

Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
)
Whitetail Creek Outfitters, Inc.)
)
)
)
Respondent.)

Docket No. **SDWA-08-2015-0034**

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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Whitetail Creek Outfitters, Inc. (Respondent), is a Wyoming corporation that owns and/or operates the Whitetail Creek Outfitters Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well. The water is not treated.
4. The System has approximately 4 service connections and/or regularly serves an average of approximately 40 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. 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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The 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 quarterly for total coliform bacteria, during the 2nd Quarter (April – June), 3rd Quarter (July-September) and 4th Quarter (October-December). 40 C.F.R. § 141.21(a). Respondent failed to monitor the System’s water for total coliform bacteria during the 3rd Quarter 2013, 4th Quarter 2013, 2nd Quarter 2014, and 4th Quarter 2014, and, therefore, violated this requirement.
8. Within 24 hours of being notified that any routine sample of the System’s water is positive to total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System’s water within 24 hours of being notified that a sample taken on August 31, 2011, was positive for total coliform and, therefore, violated this requirement.

9. If the System has one or more sampling results that are positive for total coliform, Respondent is 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 31, 2011, Respondent failed to take at least 5 routine samples on the System's water in September 2011 and, therefore, violated this requirement. Respondent did take one sample on September 26, 2011.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the 2013 violations cited in paragraph 7, above, and, therefore, violated this requirement.

11. 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 paragraphs 7, 8, and 9, above, to the EPA and, therefore, violated this requirement.

12. 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 violations cited in paragraphs 10, 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):

13. Respondent shall monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. If any total coliform routine sample for the System is positive for total coliform, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of the positive result, and 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. 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).

14. Within 24 hours of being notified that a routine total coliform monitoring result is positive for total coliform, Respondent will also be required to conduct source water monitoring as required by 40 C.F.R. § 141.402. This requirement is unrelated to the violations cited in this Order and is mentioned as an additional reminder to the Respondent.

15. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 7, above, following the instructions provided with the public notice template enclosed 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 the EPA.

16. 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).

17. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

18. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, Respondent shall notify the EPA in writing within 10 days.

19. This Order shall be binding on Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

20. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

21. Respondent shall send all reporting and notifications required by this Order in writing to:

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

GENERAL PROVISIONS

22. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the 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.

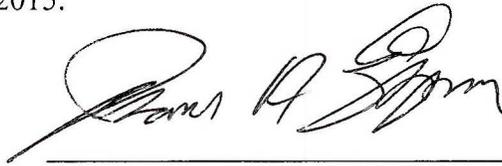


Whitetail Creek Outfitters, Inc., Respondent
Whitetail Creek Outfitters Water System
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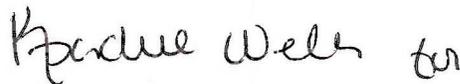
24. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

25. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: AUG 5, 2015.



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



PUBLIC NOTICE

Date of Release: _____ PWS Number: WY5601492

FAILURE TO MONITOR VIOLATIONS TOTAL COLIFORM BACTERIA

To All Whitetail Creek Outfitters Water Users

We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We did not complete all monitoring for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

The table below lists the failure to monitor violations we received for total coliform monitoring during the last two years.

monitoring period	failure to monitor (1st)	failure to monitor (2 nd)	no replacement sample	insufficient number of routines	insufficient additional routines	samples taken early/late	no repeat sampling	repeats taken too late	insufficient quantity of repeats (<4)
3 rd Q 2013 (Jul–Sept)	X								
4 th Q 2013 (Oct–Dec)	X	X							
2 nd Q 2014 (Apr–June)	X	X							
4 th Q 2014 (Oct–Dec)	X								

What happened? What is being done?

If you have any questions, please contact Brad Greba at 307-467-5625.
(Water system contact person) (Phone)

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.

PWS Operator/Responsible Party:

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. 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 methods:

- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:

- 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. 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 one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

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.

Send the copy of your notice and dates posted to:

BRE BOCKSTAHLER
US EPA REGION 8
PUBLIC WATER SYSTEM PROGRAM - 8P-W-DW
1595 WYNKOOP ST.
DENVER CO 80202

Or, you can fax a copy to: Attn: Bre Bockstahler at **877-876-9101**.

If you have questions about your total coliform FTM violation call Bre Bockstahler at 1-800-227-8917, ext. 312-6034 or (303) 312-6034.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____.
(Date) (Date)

The attached notice was issued by _____.
(Method of delivery)

Signature _____ Date _____



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

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

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



EPA Region 8 Drinking Water Unit Tech Tips

With special thanks to the Washington State Department of Health's Office of Drinking Water

Follow-up to an Unsafe/Total Coliform Positive Sample

With Ground Water Rule Requirements Included

What is an unsafe or total coliform positive sample?

A water sample result is unsafe or total coliform positive if coliform bacteria are present. Coliforms are bacteria that are generally not harmful and are naturally present in the environment. They are used as an indicator that other, potentially harmful, bacteria are present. The presence of coliform bacteria in tap water suggests that there could be a problem with existing equipment, treatment systems or a breach in the distribution system which could introduce contamination.

What action must be taken?

When a water system receives an unsafe or total coliform positive sample result, the owner or operator must collect a set of repeat samples for the Total Coliform Rule within 24 hours in the distribution system; additionally, all ground water sources must be sampled for the Ground Water Rule. The purposes of the Total Coliform Rule repeat and Ground Water Rule source water samples are to confirm the presence of coliform bacteria in the system and to determine if the ground water source is contaminated.

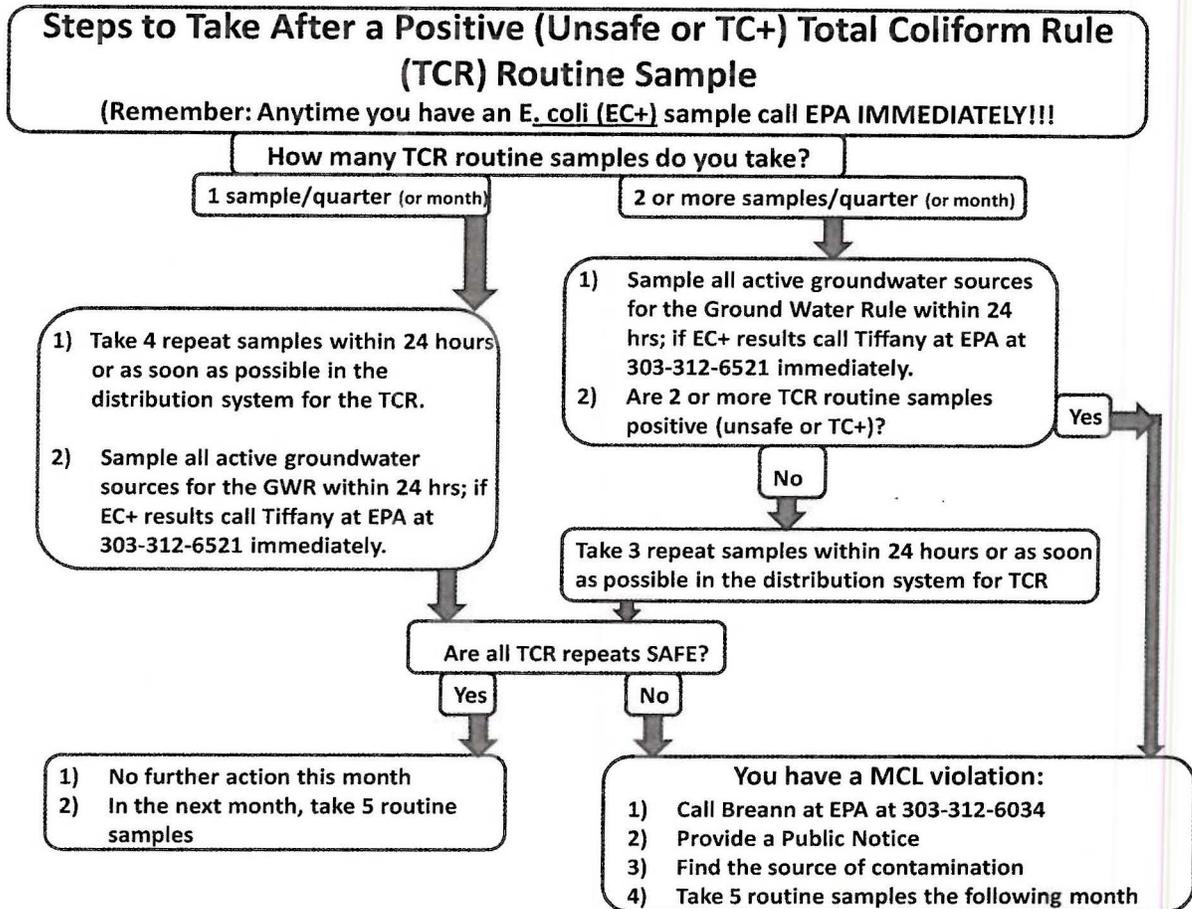
Follow these 5 steps after a positive Total Coliform Rule routine sample:

- 1) Do not shock chlorinate** the system before collecting repeat samples unless you have prior approval from EPA Region 8.
- 2) Review your sampling procedures to ensure you are sampling properly**

Avoid: Sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection.

Do: Take your time; sanitize the sample tap and your hands; flush the tap for 5 minutes before taking the sample; and minimize the time the sample bottle is opened—open the bottle immediately prior to gathering your sample and replace the lid as soon as the sample is collected. Keep in mind that improper sampling can result in a TC positive sample that can lead to costly follow-up sampling.

3) Follow the flowchart below to take your required TCR and GWR samples:



4) Additional instructions are below to meet the requirements of the Ground Water Rule (if you are a ground water system):

Within 24 hours of being notified of a total coliform positive routine sample under the Total Coliform Rule, you must sample all ground water sources prior to treatment that were in use at the time of the original TC+ for presence of E. coli. Utilize the Ground Water Rule (GWR) sampling form found at the following website:

<http://www.epa.gov/region8/waterops/reporting/forms.html#gwr> or call EPA to obtain the form. Label the sampling location as 'Source', include the location if there are multiple ground water sources (e.g. Source-Well #2) and mark the sample as 'Routine'. Fax a copy of the GWR lab analytical results to the attention of the GWR Manager at 1-877-876-9101. If the result is E. coli positive call EPA immediately at 1-800-227-8917.

5) Thoroughly inspect the water system

Coliform bacteria in a water system are generally either a result of a failure to maintain a “closed” system and/or equipment failure. Visually inspect the system including wells, tanks, chlorinator, etc. Look for areas where soil, leaves, insects, animals, sewage or animal wastes could get into your system. You can go to the following website and click on the Tech Tips for more information: <http://www.epa.gov/region8/waterops/system/sansurvey.html>. Discuss any major repairs to your system with Wyoming DEQ prior to beginning construction if your public water system is located in the state of Wyoming.