



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

T.A. Guest Ranch, Inc.
c/o Earl K. Madsen, President
P.O. Box 313
Buffalo, WY 82834

RE: 2nd Violation of Emergency Administrative
Order
Docket No. SDWA-08-2011-0047
T.A. Guest Ranch Public Water System
PWS ID #WY5601618

Dear Mr. Madsen:

On June 21, 2011, the US Environmental Protection Agency (EPA) issued an Emergency Administrative Order, Docket No. SDWA-08-2011-0047, ordering the T.A. Guest Ranch, as owner and/or operator of the T.A. Guest Ranch public water system (system), to take specific actions to protect public health under section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i.

Our records indicate that T.A. Guest Ranch, Inc., (Respondent) is in violation of the Emergency Administrative Order (the Order). EPA is particularly concerned that Respondent has not conducted or submitted results of required water sampling and that the water may continue to pose a risk to public health. Among other things, the Order included the following requirements (quoted from paragraphs 14, 18, 22, and 25 on pages 3, 4, and 5 of the Order):

1. *Respondent shall monitor and record chlorine residual of the water leaving the System's storage tanks daily to ensure a chlorine residual between 1.0 mg/l and 4.0 mg/l. Respondent shall report the daily chlorine residual measurements to EPA daily by fax or email, until notified by EPA that this is no longer required.*

On July 19, 2011, Respondent reported to EPA via e-mail chlorine residual readings for July 14 through 18, 2011. However, Respondent has not reported daily chlorine residual readings to EPA for July 19, 2011 through the current date, as required in the Order. Further, on August 3, the State of Wyoming's Department of Agriculture, Consumer Health Services, measured the

chlorine residual levels at the system at the request of EPA. The residual level that day measured 0.08 mg/L, well below the levels required in the Order.

2. *After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the System have been negative, Respondent shall collect weekly special purpose bacteriological samples (1 sample per week).*

Respondent has not submitted to EPA sample results collected during the week of July 25 or August 1, 2011. Given this lack of information on the system's water quality, on August 3, the State of Wyoming's Department of Agriculture, Consumer Health Services collected a water sample from the system for total coliform analysis at the request of EPA. That special sample tested total coliform-positive.

3. *Respondent shall collect all total coliform samples at sites that are representative of water throughout the System's distribution system. Additionally, Respondent shall report all coliform and chlorine residual sampling results to EPA by fax or e-mail immediately upon receiving the results.*

EPA did not receive total coliform results from Respondent for samples collected during the weeks of July 11 and July 18, 2011. EPA attempted to contact Respondent by phone and email requesting the results and received no response. EPA then contacted the laboratory utilized by Respondent, which, as a courtesy, provided results to EPA for samples collected on July 11 and July 21, 2011. Respondent violated the Order by not submitting this sample data to EPA immediately upon receiving the results from the lab.

4. *Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure the supply of safe water throughout the System's distribution system. If possible, the plan shall identify the cause of the positive E. coli and total coliform samples mentioned above. The plan shall also describe efforts Respondent will take to prevent recurrence of total coliform and E. coli positive contamination in the System's distribution system. The plan shall include proposed System modifications, estimated costs of modifications, a schedule for completion of the project and compliance with the Order and Federal requirements. Further, the compliance plan and schedule must include any actions required to address any "significant deficiencies" in the System relevant to the current situation that may be identified during a sanitary survey of the System undertaken by EPA. The proposed schedule shall include specific milestone dates and a final compliance date to be completed within 2 months from the date of EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) that may also be required before modifications can be made to the System.*

On July 19, 2011, Respondent submitted its proposed compliance plan and schedule to EPA. However, this plan and schedule is not acceptable and cannot be approved by EPA, as it proposed completion of modifications to the water system without adequate time for Wyoming Department of Environmental Quality (DEQ) approval of the proposed modifications. On July 20, 2011, EPA requested by e-mail that the Respondent submit a revised compliance plan and schedule including "projected dates for completion based on a schedule that includes appropriate DEQ approvals." Respondent has not submitted a revised compliance plan and schedule for EPA approval, and Respondent is therefore in continued violation of the Order. In addition, Respondent has violated the Order if it has started or completed any construction or modifications to the water system without EPA's approval of the plan and schedule.

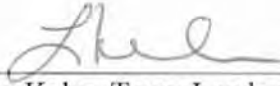
Please be advised that EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Emergency Administrative Order may result in civil penalties of up to \$16,500 per day and/or a court injunction ordering compliance.

Separately, EPA reminds Respondent that a written response to EPA's letter of July 11, 2011, regarding the "Significant Deficiency Assessment" is due 30 days from your receipt of that letter. Please contact EPA's Ground Water Rule Manager Tiffany Mifflin at (303) 312-6521 to discuss this matter or for additional information.

If you have any questions or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program