



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2015 SEP 28 AM 11:06

FILED
EPA REGION VIII
HEARING CLERK

SEP 28 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Greg Kovacs, Registered Agent
C5 Youth Foundation of Southern California, Inc.
1334 S. Central Avenue
Los Angeles, California 90021-2210

Re: Administrative Order, Camp Paintrock Public Water System, PWS ID #5601513
Docket No. **SDWA-08-2015-0050**

Dear Messrs. Heaphy and Kovacs:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 and C5 Youth Foundation of Southern California, Inc. (LLCs), as owners and/or operators of the Camp Paintrock Public Water System (System) in Big Horn County, Wyoming, have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations). The Administrative Order issued to the LLCs on February 28, 2012, for total coliform maximum contaminate level and source water failure to monitor violations remains in full force and effect.

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 (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from the LLCs, the EPA will assume this information is correct.

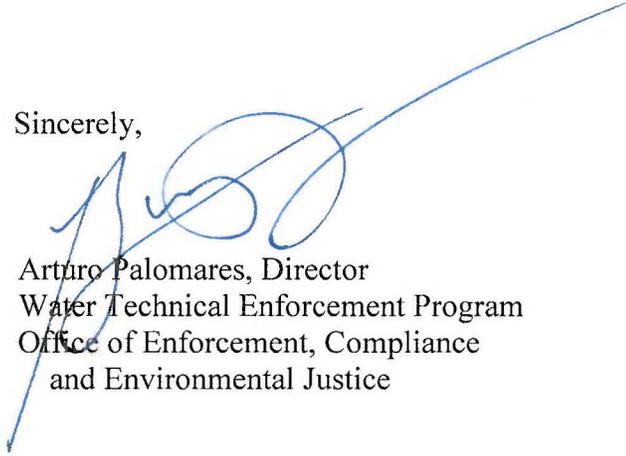
If the LLCs comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The Order requires public notification of violations of 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 the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at brainich.kathelene@epa.gov, or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your attorney should be directed to Lauren Hammond, Enforcement Fellow, who may be reached at the above address (with the mailcode 8ENF-L), via email at hammond.lauren@epa.gov, or by phone at (800) 227-8917, extension 7081, or (303) 312-7081.

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

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





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REGION 8

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Denver, CO 80202-1129
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2015 SEP 28 AM 11:46

SEP 28 2015

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HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

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

DOCKET NO: SDWA-08-2015-0050

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

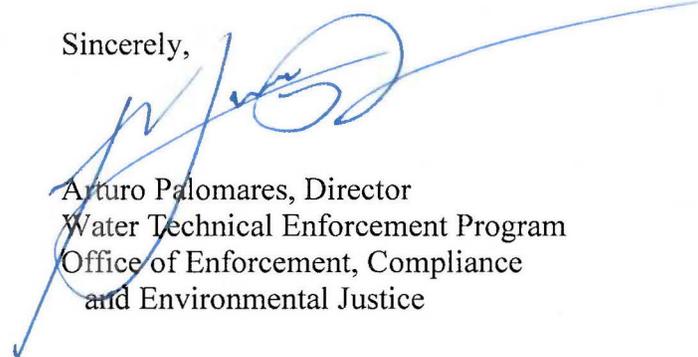
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Paint Rock Canyon Enterprises, LLC and C5 Youth Foundation of Southern California, Inc., as owners/operators of the Camp Paintrock Public Water System, located in Big Horn County, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are for failure to complete corrective action of EPA-identified significant deficiencies and/or failure to notify the EPA of the completion, failure to monitor for total coliform, and failure to notify the EPA and the public of the violations.

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,


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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 SEP 28 AM 11:05

FILED
EPA REGION VIII
HEARING CLERK

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

Docket No. **SDWA-08-2015-0050**

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. 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 100 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. Respondents are required to complete corrective action of a significant deficiency in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). By an email dated February 20, 2015, the EPA approved an extension requested by Respondents to have the corrective actions completed by March 31, 2015. Respondents failed to complete corrective action of the significant deficiencies by this date, and/or failed to notify the EPA of the completion of the corrective actions by April 30, 2015, and, therefore, violated these requirements.

7. Respondents are required to monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondents failed to monitor the System's water for total coliform bacteria during the 2nd (April-June) quarters of 2014 and 2015 and, therefore, violated this requirement.
8. Respondents are required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondents did not notify the public of the violations cited in paragraphs 6 and 7 (the 2014 violation), above, and, therefore, violated this requirement. Public notice for the 2015 violation cited in paragraph 7 is not yet past due.
9. Respondents are 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). Respondents failed to report the violations cited in paragraph 7, above, to the EPA and, therefore, violated this requirement.
10. 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 violations cited in paragraphs 6 and 8, 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):

11. Prior to opening for the 2016 season, Respondents shall complete corrective actions of the following significant deficiencies, as required by 40 C.F.R. § 141.403(a).
 - a) Lack of proper drainage for well in pit or vault. When a well is located in a pit or vault, the pit or vault shall be constructed with proper drainage or a permanent or portable pump shall be provided. There is standing water on the floor of the well house. The well house drain must be inspected to ensure it is properly working to prevent standing water from accumulating.
 - b) Leak in well house. The source of the water on the floor of the well house should be investigated. It appeared as if the booster pump was leaking. Any leaks shall be repaired.
 - c) Failure to maintain records at a convenient location. Records for the System are maintained in Los Angeles. Systems are required to retain on the premises or at a convenient location near the premise the following: records of microbiological analyses for not less than 5 years and nitrate analysis for 10 years, records of action

taken by the System to correct violations of primary drinking water regulations for the last 3 years, copies of any written report, summaries, or communications related to sanitary surveys for the last ten years, and records concerning any variance or exemption granted for up to 5 years following the expiration of such variance or exemption, and copies of public notices for three years after issuance. This violation was elevated to a significant deficiency because the System was notified of this deficiency during both the 2003 and 2008 sanitary surveys.

12. Prior to opening for the 2016 season, Respondents shall notify the EPA of the completion of the corrective actions, as required by 40 C.F.R. § 141.405(a)(2). Respondents shall provide evidence to the EPA, including photographs of the completed corrective actions and the following certification signed by a person of authority in the System that the corrective actions have been completed: "I certify under penalty of perjury that Camp Paintrock has completed all corrective actions at the Camp to address the significant deficiencies identified during the August 1, 2013, survey site visit."

13. Respondents shall complete any future significant deficiency corrective actions in compliance with an approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents shall notify the EPA within 30 days of completion of significant deficiency corrective actions. 40 C.F.R. § 141.405(a)(2).

14. Beginning April 1, 2016, the effective date of the EPA Revised Total Coliform Rule, Respondents shall monitor the System's water **monthly** for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat monitoring as required by 40 C.F.R. § 141.853-857. If a sample is total coliform-positive, the System must collect a set of three repeat samples for each total coliform-positive sample and continue to collect additional sets of three repeat samples until either total coliforms are not detected in one complete set of repeat samples or the System determines that a coliform treatment technique trigger specified in §141.859(a) has been exceeded as a result of a repeat sample being total coliform-positive. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. subpart Y to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. §141.861(a)(4).

15. Within 30 days of opening for the 2016 season, Respondents shall notify the public of the violations cited in paragraphs 6 and 7, above, as required by 40 C.F.R. part 141, subpart Q. Public notice for failure to complete corrective action must be issued every 3 months for as long as the violation persists. Thereafter, following any future violation of the drinking water regulations, Respondents shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondents shall submit a copy of the notice to EPA.

16. 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, Respondent shall report within that different period.

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

18. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents 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, Respondents 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. Respondents shall remain obligated to comply with this Order even if Respondents lease the System to another person or entity or hires another person or entity to operate the System.

19. 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

20. 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.

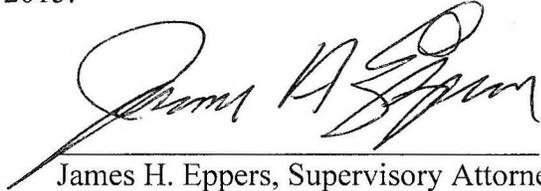
21. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

22. Respondents 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).

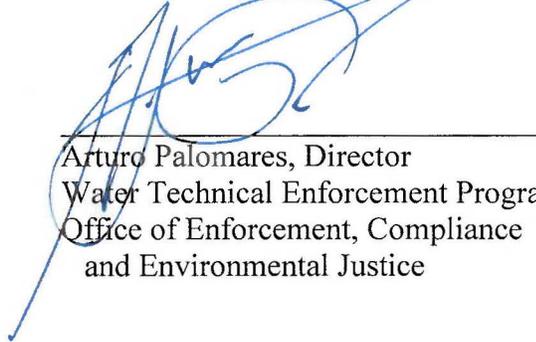
Paint Rock Canyon Enterprises, LLC (Camp Paintrock) and
C5 Youth Foundation of Southern California, Inc.
Page 5 of 5

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

Issued: September 28, 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

DRINKING WATER NOTICE

CAMP PAINTROCK

Failed to Correct and/or Report Corrective Action of Significant Deficiencies AND Failed to Monitor for Total Coliform

Our water system was required to take corrective action of EPA-identified significant deficiencies by March 31, 2015, and to notify the EPA of the completion within 30 days. However, we failed to take all actions by the required date and/or failed to provide documentation to the EPA of their completion.

We also failed to monitor quarterly for total coliform bacteria during the 2nd quarters of 2014 and 2015, therefore, we cannot be sure of the quality of the water at that time.

What This Means

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply. The significant deficiencies included lack of proper drainage for well in pit or vault, a leak in the well house, and failure to maintain records at a convenient location.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

You may drink the water. 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.

Steps We Are Taking

We have completed some items. We will complete action at the beginning of the 2016 season. We will monitor as required in the future.

For more information, please contact _____ at _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice. You can do this by posting this notice in a public place or distributing copies by hand or mail.

Certification

Issue a repeat notice every three months when the system is open to the public until the system has returned to compliance. Sign below, note the dates posted, and send a copy to the completed notice to the EPA at Brainich.kathelene@epa.gov or 1595 Wynkoop St., Attn: Brainich, 8ENF-W, Denver, CO 80202.

.....Dates posted: _____ Signature _____

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. 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)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all 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

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the 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 with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The significant deficiency has been addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

After Issuing the Notice

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

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.