



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2018 NOV 14 AM 9:00

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nancy J. Brown, Registered Agent
Leisure Valley, Inc.
3510 Muddy String Rd
P.O. Box 299
Thayne, Wyoming 83127

Re: Administrative Order regarding Star Valley RV Park Public Water System,
PWS ID #5601471, Docket # **SDWA-08-2019-0004**

Dear Registered Agent:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Leisure Valley, Inc. (Corporation), as the owner and/or operator of the Star Valley RV Park Public Water System in Lincoln County, Wyoming, has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (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 the Corporation believes the EPA may not have (for example, monitoring that may have been done but not submitted, updates to the numbers of connections and/or individuals served). If the EPA does not hear from the Corporation, the EPA will assume the information in the Order is correct.

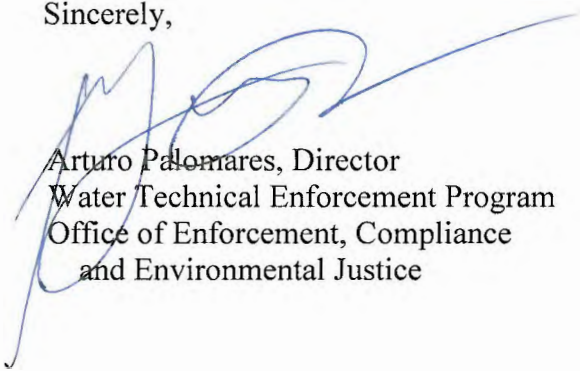
If the Corporation complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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.

To submit information or to request an informal conference with the EPA, please contact Olive Hofstader via email at hofstader.olive@epa.gov, or by phone at (303) 312-6467 or (800) 227-8917, extension 6487. Any questions from the Corporation's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached via email at bearley.mia@epa.gov, or by phone at (303) 312-6554 or (800) 227-8917, extension 6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

cc: Harold Steward, Leisure Valley Inc./Star Valley RV Park (valcath@silverstar.com)
Lincoln County Commissioners (rking@lewy.org)
WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2018 NOV 14 AM 9:00

IN THE MATTER OF: _____)
)
Leisure Valley, Inc.)
(Star Valley RV Park, WY5601471))
)
Respondent. _____)

Docket No. ~~SDWA-08-2019-0004~~

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 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. Leisure Valley, Inc. (Respondent) is a Wyoming corporation that owns and/or operates the Star Valley RV Park Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed by two wells. The System's water is untreated.
4. The System has approximately 50 service connections used by year-round residents and regularly serves approximately 100 year-round residents. Additionally, there are approximately 760 connections that provide service for an average of approximately 333 individuals at least 60 days out of the year. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
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 complete corrective action of a significant deficiency in accordance with an EPA approved corrective action schedule or within 120 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on May 16, 2014, which detailed significant deficiencies, and the EPA approved a schedule for the System to complete the corrective actions by December 31, 2017. Respondent failed to complete all corrective actions by December 31, 2017, and/or failed to notify the EPA of corrective action completion by January 30, 2018, and, therefore, violated this requirement. Respondent belatedly provided documentation of completed corrective action of the pump house and storage tank overflow deficiencies in February 2017 and the tank cleaning in August 2018, but has still not submitted an Emergency Response Plan to the EPA, the final required corrective action.

8. Respondent is required to monitor the System's water at least annually for volatile organic contaminants (VOCs). 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the System's water for VOCs during 2017 and, therefore, violated this requirement. Respondent belatedly monitored for VOCs on August 23, 2018.

9. Respondent is required to monitor the System's water for lead and copper by collecting at least five samples during each monitoring period. 40 C.F.R. § 141.86(c) and (d). Respondent failed to collect the required number of samples of the System's water during the June 1-September 30 2017 monitoring period and, therefore, violated this requirement. Respondent collected the correct number of samples in 2018.

10. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers and the EPA by July 1st of each year and to certify to the EPA that it has done so by October 1. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for the years covering 2013, 2014, and 2017 to the System's customers and to the EPA and failed to provide a certification to the EPA for the CCR covering 2016. Therefore, Respondent violated these requirements.

11. 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 7, 8, and 9, 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):

12. Within 15 days of receipt of this Order, Respondent shall complete an Emergency Response Plan (ERP) to address the significant deficiency and submit a copy of the ERP to the EPA. Thereafter, Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2). **Enclosed is an ERP form you simply fill out and return to the EPA to address this deficiency.**

13. Respondent shall monitor the System's water for VOCs in 2019 and thereafter as required by 40 C.F.R. § 141.24(f)(5). Respondent shall report analytical results to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a). **If Respondent monitors for VOCs annually for three consecutive years, monitoring may be reduced to once every three years.**

14. Between June 1, 2021, and September 30, 2021, Respondent shall monitor the System's water for lead and copper by collecting five samples according to the System's tap sample site plan. Thereafter, Respondent shall monitor for lead and copper as required by 40 C.F.R. § 141.86(a)-(d).

Within 10 days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 CFR 141.85(d). Within 90 days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. 141.90(f)(3).

15. Within 30 days after receipt of this Order, Respondent shall (1) prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154, including violations incurred during the year) for the System covering the years 2013, 2014, and 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that these CCRs and the 2016 CCR have been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

16. Respondent 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 Respondent, its successors and assigns, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

18. Respondent shall remain obligated to comply with this Order even if Respondent (a) leases the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System. Respondent shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change.

19. Respondent shall direct all reporting required by this Order via email to both:

R8DWU@epa.gov and hofstader.olive@epa.gov


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.

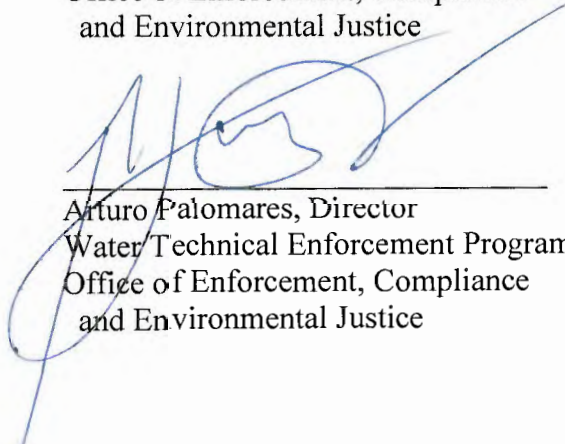
21. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$55,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

22. 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).

Issued: November 14th, 2018.



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

EMERGENCY RESPONSE PLAN (small community systems)

Keep this information easily accessible to authorized staff for emergency responders, repair people, and the news media.

System ID Number: WY5601471

System Name: Leisure Valley Inc./Star Valley RV Park

System Address/Directions: 3510 Muddy String Rd, Thayne, WY 83127. From Alpine, south 14 miles on US-89, then east 2 miles on Cedar Creek Rd, then left (north) on Muddy String Rd, site is on right.

Basic Description & Location of System Facilities: Two wells, no treatment. Water from well #1 is pumped approximately 200 yards to a 500,000-gallon gravity concrete storage tank to pump house #1 and is pressurized by 3 variable-frequency pumps and 5 hydropneumatic tanks (total storage capacity of 595 gallons). Backup well #2 can be pumped to pump house #2 to the distribution system with excess filling the storage tank.

Population Served/# Service Connections: approximately 100 year-round residents and 300 seasonal visitors. 810 total service connections, 50 are inactive.

System Owner and Telephone #:

**Name, Title, and Phone Number of Person Responsible
for Maintaining & Implementation of the Emergency Plan:**

Location of treatment & distribution schematics/operations manuals:

Events that may Cause Emergencies: Power Outage, Distribution Line Break, Chlorine or other Treatment Failure, Source Pump Failure, Microbial (coliform, *E. coli*) or Chemical Contamination, Reduction/Loss of Water in the Well, Drought, Flood, Earthquake, Hazardous Materials Spill in vicinity of sources or system lines Vandalism or Terrorist Attack

In any event, there are a series of general steps to take:

1. Analyze the type and severity of the emergency (assessment);
2. Take immediate actions to save lives;
3. Take action to reduce injuries and system damage (notifications);
4. Make repairs based on priority demand, and
5. Return the system to normal operation.

Health advisories (warning or boil water advisory): During events when water quality and human health are in question, it may be necessary to issue a health advisory that gives advice or recommendations to water system customers on how to protect their health when drinking water is considered unsafe. These advisories are issued when the health risks to the consumers are sufficient, in the estimation of the water system, state or tribal, or local health officials, to warrant such advice. The EPA has fact sheets, brochures, forms, and templates to help prepare for a health advisory at: <http://www.epa.gov/safewater/pn.html>

Alternative Water Sources

Water Systems Within 1/4 Mile of our System: _____ Feasibility of Connecting _____

Name/Phone # of Bottled Water Suppliers:

Name/Phone# of Tanker Trucks in Area:

(deliver bulk non-potable water)

Notification Responsibilities and Procedures

Notify or Contact	Responsible Person	Procedures:
Water system customers		
Local law enforcement, state/federal, health		
Service and repair contractors		
Media		
Neighboring water systems, if necessary		
Procedures for issuing a health advisory		
Other		

Emergency Notification List

First Responders				
Organization	Name & Position	Telephone	Night/Cell Phone	Email
Local Law Enforcement				
Fire Department				
Emergency Medical Services				
Water Operator (if contractor)				
EPA Contact				
Hazmat Hotline				
Interconnected Water System				
Neighboring water system (not connected)				
RCAP Contact				
Rural Water Contact				
Priority Customers				
Hospitals/Clinics				
Schools				
Wastewater treatment plants				
Service / Repair Notifications				
Electric Utility Co.				
Electrician				
Gas/Propane supplier				
Water Testing Lab.				
Sewer Utility Co.				
Telephone Co.				
Plumber				
Pump Supplier				
"Call Before You Dig"				
Chlorine Supplier				
Well Drilling Co.				
Pipe Supplier				
Media Notification				
Newspaper - Local				
Radio				
TV Station				

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.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

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

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored 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

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

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.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 and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

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

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

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

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

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

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

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

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

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)

<https://nationalsbeap.org/states/list>

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 helps users locate tribal-related information within EPA and other federal agencies.

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

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

EPA's Audit Policy

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

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.