



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

JUL 28 2009

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Hank Phibbs, Chair  
POB 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
Grand Teton Reservations, LLC  
Elk Refuge Inn, PWS ID# 5600999

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 Grand Teton Reservations, LLC, as the owner/operator of the Elk Refuge Inn located in Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for nitrate contamination and failure to notify EPA of the violation.

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,

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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JUL 28 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Western Wyoming Corporate Services, Inc.  
Registered Agent, Grand Teton Reservations, LLC  
POB 12739  
Jackson, WY 83002

Re: Administrative Order  
Docket No. **SDWA-08-2009-0070**  
PWS ID #5600999-Elk Refuge Inn

Dear Registered Agent:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Among other things, the Order describes how Grand Teton Reservations, LLC (Grand Teton) has violated the National Primary Drinking Water Regulations. EPA's previous Order, Docket No. SDWA-08-2006-0026, issued to Grand Teton on April 20, 2006, remains in full force and effect.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Grand Teton complies with the Order for twelve months, 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.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

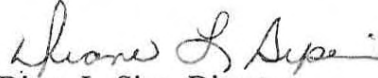
To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481, or (303) 312-6481. For legal questions, the attorney assigned to this matter is



Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913, or (303) 312-6193.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Information sheet

cc: WY DEQ/DOH (via email)  
Violeta Tanase, Elk Refuge Inn  
Tina Artemis, EPA Regional Hearing Clerk





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 JUL 28 AM 0:17

IN THE MATTER OF )  
 )  
Grand Teton Reservations, LLC )  
 )  
Respondent. )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
  
Docket No. **SDWA-08-2009-0070**

EPA REGION VIII  
SOUTH PLATON

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. Grand Teton Reservations, LLC is a Wyoming corporation as of June 23, 1997, that owns and/or operates the Elk Refuge Inn Water System (the system) in Teton County, Wyoming, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one untreated well and serves approximately 66 people daily through 1 service connection year round. The system is a "non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

**VIOLATIONS**

3. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the maximum contaminant level (MCL) for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2006 and 2008, and, therefore, violated this requirement.

4. Respondent is required to report any failure to comply with any of the drinking water regulations (with some exceptions not applicable here) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 3 above to EPA and, therefore, violated this requirement.

**ORDER**

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

5. Respondent shall monitor for nitrate at least annually in accordance with the drinking water regulations. 40 C.F.R. § 141.23(d). Respondent shall report all analytical results to EPA within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R.

§ 141.31(a). Respondent monitored for nitrate on March 19, 2009, and has, therefore, fulfilled the 2009 monitoring requirements.

6. Respondent shall report any violation of nitrate monitoring requirements to EPA within 48 hours. 40 C.F.R. § 141.31(b).

7. All reporting required by this Order shall be directed to:

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

**GENERAL PROVISIONS**


8. This Order does 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 EPA to forgo any civil or criminal action.

9. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 28<sup>th</sup> day of July, 2009.



David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice