



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 15 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Ben Ellis, Chairman
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
1655 Berger Lane, LLC
PWS ID #WY5601370

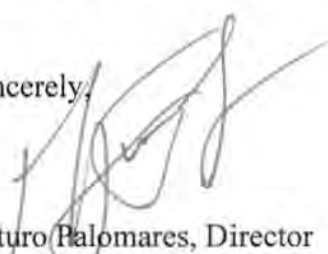
Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to 1655 Berger Lane, LLC, owner and operator of the 1655 Berger Lane water system, located in Jackson, Wyoming, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform and failing to report these violations to 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,


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

Enclosure
Order



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CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Gerard R. Bosch, Registered Agent
6320 Paintbrush Trail
Wilson, WY 83014

Re: Administrative Order
1655 Berger Lane
Public Water System
Docket No. **SDWA-08-2011-0072**
PWS ID# WY5601370

Dear Mr. Bosch:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that 1655 Berger Lane, LLC (the company) has violated the National Primary Drinking Water Regulations (the drinking water regulations).


The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information the company believes EPA may not have. If the company complies with the Order, 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 request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order
SBREFA Information Sheet

cc:

Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ/DOH (via email)
Sabrina Rhoades, Operator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 15 AM 10:31

IN THE MATTER OF:)
)
1655 Berger Lane, LLC)
)
Respondent.)

Docket No. **SDWA-08-2011-0072**

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
ENFORCEMENT CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. 1655 Berger Lane, LLC (Respondent) is a Wyoming corporation that owns and/or operates the 1655 Berger Lane Water System (the system), which provides piped water to the public in Teton County, Wyoming, for human consumption.

3. The system is supplied by a groundwater source consisting of 1 well which provides water that is not treated.

4. The system has approximately 1 service connection and/or regularly serves an average of approximately 33 individuals daily at least 6 months out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The system is also a "non-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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. 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. 40 C.F.R. § 141.21(a). Respondent failed to monitor the system's water for total coliform bacteria during the 4th quarter of 2010, and the 1st and 2nd quarters of 2011, and, therefore, violated this requirement.

8. Respondent is required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 7 above, to 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):

9. Respondent shall monitor the system's water quarterly for total coliform bacteria and, in the event of any result that is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

10. Respondent shall direct all reporting required by this Order to:

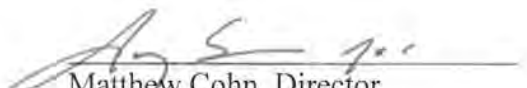
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129


GENERAL PROVISIONS

11. 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 EPA to forgo any civil or criminal action.

12. 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.

Issued: September 13, 2011.


Matthew Cohn, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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