



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

MAR 19 2012

CERTIFIED MAIL
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 Darby Girls Camp Public Water
System
PWS ID # WY5601451

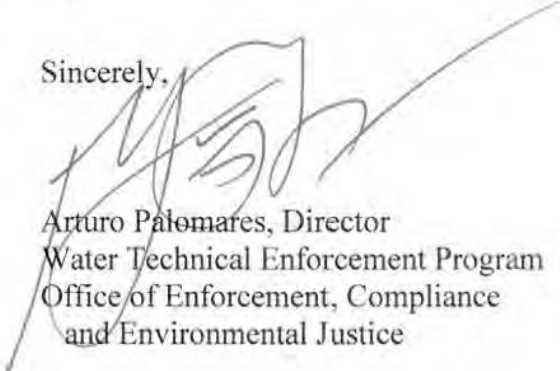
Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to LDS Recreation Properties, LLC, owner and operator of the Darby Girls Camp public water system, located in Teton County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, failing to collect a source sample, and failing to report certain 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 Mario Mérida at (303) 312-6297.

Sincerely,



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

Enclosure



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REGION 8

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MAR 19 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roy McDaniel, Water Manager
LDS Recreation Properties, LLC
50 E. North Temple, Room 1200
Salt Lake City, UT 84150-6300

Re: Administrative Order
Darby Girls Camp Public Water System
Docket No. **SDWA-08-2012-0018**
PWS ID #WY5601451

Dear Mr. McDaniel:

Enclosed is an Administrative Order (Order) issued by the 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 LDS Recreation Properties, LLC (the Company), as owner and/or operator of the Darby Girls Camp public water system (the System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. However, if any information in the Order is not correct, it would be most appreciated if you would notify the EPA as soon as possible, preferably within 10 days. For example, although the United States Forest Service has informed the EPA that the Company holds a Special Use Permit for the Darby Girls Camp, the Office of the Secretary of State for Wyoming informed the EPA that it had no records relating to the Company. According to David Forbush, who indicated that he is the Recreation Property Manager for the Company, the Company is a Delaware limited liability corporation. However, EPA's staff was unable to locate the Company on the website for the Delaware Department of State. If you have any information on the status of the Company beyond what Mr. Forbush was able to provide, the EPA would request that you provide it.

If the Company 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 Order requires the Company to notify the public of having violated 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 Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. Any questions from the Company's attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858, or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', is written over the word 'Sincerely,'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Enclosure:

Order

cc: WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Kelley Coburn, Operator, Darby Girls Camp
Preston Diehl, On-Site Manager, Darby Girls Camp
Jay Pence, District Ranger, Teton Basin, Caribou-Targhee National Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 MAR 19 PM 11:29

IN THE MATTER OF:)
)
LDS Recreation Properties, LLC,)
)
)
Respondent.)

Docket No. **SDWA-08-2012-0018** FILED
EPA REGION VIII
ADMINISTRATIVE ORDER WABING CLERK

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. LDS Recreation Properties, LLC (Respondent) is, upon information and belief, a Delaware limited liability corporation that owns and/or operates the Darby Girls Camp 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 a single well and the water is not treated.
4. The System has approximately 13 service connections and/or regularly serves an average of approximately 200 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. 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 the System's operator annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System's water within 24 hours of being notified of a result for the sample collected on July 24, 2011, that was positive for total coliform and, therefore, violated this requirement.

8. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on July 24, 2011, Respondent failed to take at least five routine samples of the System's water in August 2011 and, therefore, violated this requirement.

9. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified that a routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated 40 C.F.R. § 141.402.

10. Respondent is 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). Respondent failed to report the violations cited in paragraphs 7 and 8 above, to EPA and, therefore, violated this requirement.

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 violation cited in paragraph 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. If any total coliform routine sample for the System is positive for total coliform, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of the positive result, following the procedures in 40 C.F.R. § 141.21.

13. If any routine sample for the System is positive for total coliform, Respondent shall collect at least five routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21.

14. Prior to opening the System for the 2012 season, or by May 31, whichever is earlier, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. If the sample is negative, Respondent shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide



public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondent shall specify that it is a triggered source water sample.

15. If Respondent violates any coliform monitoring requirement in 40 C.F.R. part 141, Respondent shall report this violation to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

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

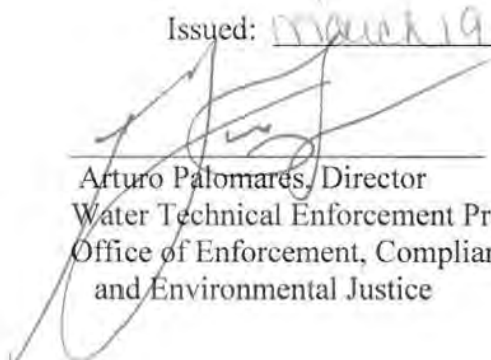
U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

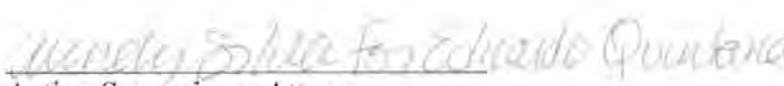
18. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

19. 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: March 19, 2012.



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



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

