

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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



Ref: 8ENF-W

JUN - 3 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Paul Vogelheim, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act Enforcement
Action against Teton Shadows Homeowners
Association Public Water System
PWS ID # WY5600724

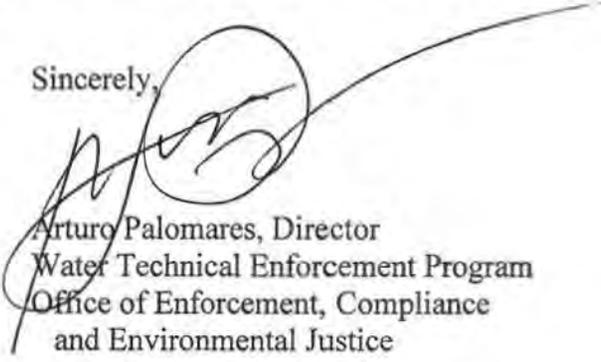
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Teton Shadows Homeowners Association, Inc., which owns the Teton Shadows Homeowners Association 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: failure to comply with filtration and disinfection requirements and exceeding the maximum contaminant level for total coliform bacteria.

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 Olive Hofstader at (303) 312-6467.

Sincerely,


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

Enclosure:
Administrative Order



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JUN - 3 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Glenn W. Myers, Registered Agent
Teton Shadows Homeowners Association, Inc.
P.O. Box 2150
Jackson, WY 83001

Re: Administrative Order
Teton Shadows Homeowners Association, Inc.
Public Water System
Docket No. **SDWA-08-2013-0031**
PWS ID # WY5600724

Dear Mr. Myers:

Enclosed is an Administrative Order (Order) issued by the United States 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 Teton Shadows Homeowners Association, Inc. (Company), as owner and/or operator of the Teton Shadows Homeowners Association (System), 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 pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any changes and/or improvements to the system, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

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.

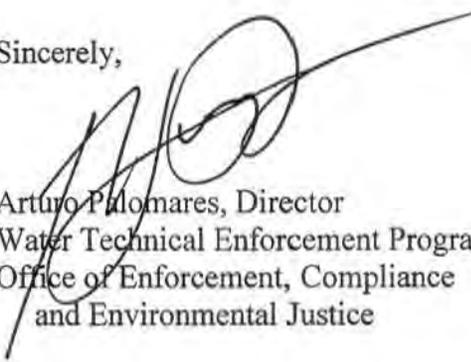
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the

mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Company's attorney should be directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905, or (303) 312-6905.

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:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Steve Malashock, HOA President (via email)
Peter Huisman, operator (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)
)
Teton Shadows Homeowners)
Association, Inc,)
)
Respondent.)

Docket No. **SDWA-08-2013-0031**

ADMINISTRATIVE ORDER

2013 JUN -3 AM 8:17

FILED
EPA REGION VIII
HEARING 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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Teton Shadows Homeowners Association, Inc (Respondent) is a Wyoming corporation that owns and/or operates the Teton Shadows Home Owners Association Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by groundwater under the direct influence of surface water through one well. The water is treated with chlorine disinfection.
4. The Respondent was notified by a letter from the EPA dated June 20, 2011 that the water produced by the well was determined to be ground water under the direct influence of surface water and, therefore, that the system would need to comply with 40 C.F.R. part 141 subparts H, T and W by January 1, 2013. The letter outlined specific options for compliance. These included (a) disinfection and filtration as required by 40 C.F.R. §§ 141.72(b), 141.73, 141.500 through 141.564, and 141.700 through 141.723, (b) disinfection and meeting criteria for avoiding filtration as required by 40 C.F.R. §§ 141.71, 141.72(a), 141.520 through 141.522, and 141.712, or (c) permanently connecting to an alternate source of water.
5. The System has approximately 12 service connections used by year-round residents and regularly serves an average of approximately 50 year-round residents. 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.
6. 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).
7. 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

8. Despite having been notified by the EPA's June 20, 2011 letter that the System was required to comply with filtration and disinfection requirements in 40 C.F.R. part 141, subparts H, T and W by January 1, 2013, Respondent has not done so and, therefore, has violated this requirement.

9. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During January and February 2009, two or more samples from the System were positive for total coliform, and, therefore, Respondent 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):

10. Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63(a).
11. Within 60 days after receipt of this Order, Respondent shall provide the EPA with a compliance plan and schedule for the system to come into compliance with 40 C.F.R. part 141, subparts H, T, and W in any of the following three ways: (1) meeting the applicable disinfection and filtration requirements; (2) meeting the applicable disinfection requirements and filtration avoidance criteria; or (3) switching permanently to an alternate source of water not subject to these requirements. The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the above-mentioned regulations. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 12 months from the date of the EPA's approval of the schedule). The proposed schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.
12. The plan and schedule required by paragraph 11, above, will be incorporated into this Order as enforceable requirements upon written approval by the EPA.
13. Respondent shall achieve and maintain compliance with 40 C.F.R. part 141, subparts H, T and W by the final date specified in the approved compliance schedule, or no later than 12 months after receipt of the EPA's approval of the schedule required by paragraph 11 above, whichever is earliest. Respondent shall meet that deadline even if the plan as submitted does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance. While not creating any right to an extension, the EPA, in its discretion, may consider granting an extension to this deadline under limited circumstances. If unexpected events occur that are beyond the Respondent's control and that may require the Respondent to request an extension of this deadline, the Respondent is responsible for notifying the EPA well in advance of the deadline date. The EPA will not consider extending the deadline without a clear justification for their need. The Respondent must provide the following information in writing for any request for an extension: a description of the work that has been completed and the additional work that may not be completed by the deadline date, the unexpected events that have occurred or may occur and how the Respondent has attempted to foresee and use its best efforts to overcome these obstacles, and a proposed new deadline date with a justification for the length of the proposed extension.
14. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 11, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing

the System into compliance with 40 C.F.R. part 141, subparts H, T and W. Each quarterly report is due by the 10th day of the month following the end of the relevant quarter.

15. Until the System is in compliance with 40 C.F.R part 141, subparts H, T and W, Respondent shall continuously chlorinate the water and maintain a chlorine residual of at least 0.2 mg/L throughout the distribution system in order to maintain compliance with the total coliform MCL. 40 C.F.R. § 141.63(a)(2). Respondent shall monitor the residual disinfectant level in the System's water in the distribution system at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.74(b)(6)(i) and 141.21. No later than 10 days after the end of each quarter, Respondent shall report residual disinfectant sample results and all information required by 40 C.F.R. § 141.74(b)(6)(i) to the EPA, as required by 40 C.F.R. § 141.75.

16. Respondent shall send all reporting and notifications required by this Order in writing to:

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

GENERAL PROVISIONS

17. 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 the EPA to forgo any civil or criminal action.

18. 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.

19. 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).

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

Issued: June 3, 2013

Margaret J. (Peggy) Livingston, Acting for
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

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, 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.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

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

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's 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 or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline
info-antimicrobial@epa.gov or
1-703-308-6411

**Clean Air Technology Center (CATC)
Info-line**

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

**Emergency Planning and Community
Right-To-Know Act**

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

**EPA Imported Vehicles and Engines
Public Helpline**

www.epa.gov/otaq/imports or
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**
www.nrc.uscg.mil or 1-800-424-8802

**Pollution Prevention Information
Clearinghouse (PPIC)**

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline
www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

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

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

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)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

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/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

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), or go to their website at www.sba.gov/ombudsman.

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.