



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

SEP 19 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Corporate Agent Services, LLC
60 East South Temple, Suite 1800
Salt Lake City, Utah 84111

Re: Administrative Order issued to LDS Ten Sleep Meetinghouse Public Water System,
PWS ID # 5601687, Docket No. **SDWA-08-2016-0024**

Dear Sir or Madam:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints (Company), as owner and/or operator of the LDS Ten Sleep Meetinghouse Public Water System, has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

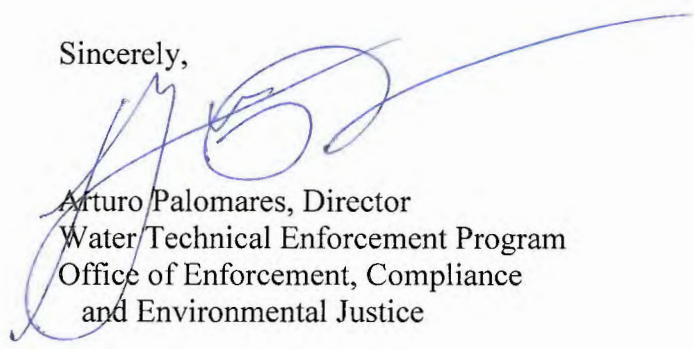
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe the EPA may not have (any monitoring that may have been done but not submitted, etc.). If the EPA does not hear from you, the EPA will assume this information 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.

If you have any questions or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W), via email at Hofstader.olive@epa.gov, or by phone at (800) 227-8917, extension 6467, or (303) 312-6467. Any questions from the Company's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Arturo Palomares', is written over the typed name and title. The signature is fluid and cursive, extending to the right across the page.

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

cc: WY DEQ/DOH (via email)
Melissa Haniewicz, EPA Regional Hearing Clerk

Roy McDaniels, Natural Resource Manager, via certified mail, return receipt requested
Dustin Hoopes, operator



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SEP 19 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Washakie County Commissioners
Aaron Anderson, Chairman
P.O. Box 260
Worland, Wyoming 82401

Re: Notice of Safe Drinking Water Act Enforcement Action against the LDS Ten Sleep Meetinghouse Public Water System, PWS ID # 5601687, Docket No. **SDWA-08-2016-0024**

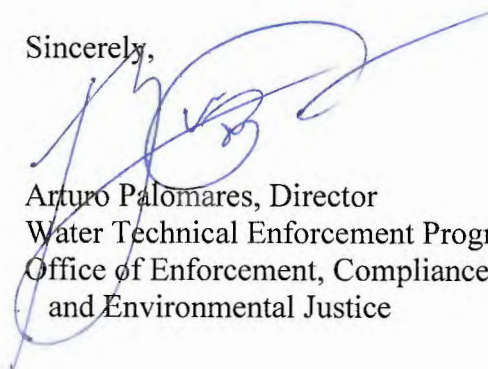
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (Corporation), owner and operator of the LDS Ten Sleep Meetinghouse Public Water System (System) located in Washakie County, Wyoming. This Order requires that the Corporation take measures to return the System to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: exceedance of the MCL for total coliform, failure to sufficiently monitor for total coliform, and failure to monitor source water.

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:
Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF: _____)
)
Corporation of the Presiding Bishop of the)
Church of Jesus Christ of Latter-Day Saints,)
)
Respondent. _____)

Docket No. ~~SDWA-08-2016-0024~~ **2016 SEP 19 PM 1:14**
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. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (Respondent) is a corporation that owns and/or operates the LDS Ten Sleep Meetinghouse Public Water System (System), which provides piped water to the public in Washakie County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 1 well. The water is untreated. The System was activated on April 1, 2015, and has not notified the EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses.
4. The System has 1 service connection and/or regularly serves an average of approximately 80 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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. If two or more samples 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 the months of September 2015, December 2015 and January 2016, two or more samples from the System were positive for total coliform and, therefore, Respondent violated this requirement. (Note: The revised total coliform rule became effective on April 1, 2016, resulting in changes to monitoring and MCL exceedance requirements.)
8. 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. 40 C.F.R. § 141.402. Respondent must sample each groundwater source and have it analyzed for a fecal indicator (i.e. *E. coli*). Respondent failed to monitor the System’s source for a fecal indicator within 24 hours after

samples taken on October 14, 2015 and January 14, 2016 were analyzed as total coliform positive and, therefore, violated this requirement. 40 C.F.R. § 141.402.

9. 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.

10. 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 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):

11. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.858. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

12. If the System (1) has more than one positive total coliform sample result (including routine and repeat samples) within the same month, or (2) fails to collect three repeat samples following a total coliform positive sample, Respondent shall conduct a Level 1 assessment within 30 days of learning of the violation (the "trigger date") to determine the cause of the total coliform positive samples. 40 C.F.R. § 141.859. The Level 1 assessment must identify corrective action for any sanitary defects identified in the assessment.

13. If the System triggers more than one Level 1 assessment in a rolling twelve month period or has an *E. coli* MCL violation, as specified in 40 C.F.R. § 141.860(a), then a Level 2 assessment shall be performed within 30 days of learning of the trigger by a party approved by EPA. 40 C.F.R. § 141.859. The System shall use the attached form when conducting the Level 2 assessment. Corrective action of sanitary defects must be completed within 30 days of triggering the Level 2 assessment, or, if corrective action requires changes to the System or will take longer than 30 days to complete, a schedule must be approved by the EPA following consultation. Corrective action of sanitary defects requiring consultation must be completed no later than the approved timeframe.

14. If a schedule is required by the above paragraphs, it shall be incorporated into this Order as an enforceable requirement upon written approval of the EPA.

15. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.

16. This Order shall be binding on Respondent, its successors and assigns if a corporation, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

17. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

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

U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, Colorado 80202-1129
Email: R8DWU@epa.gov
Fax: (877) 876-9101

GENERAL PROVISIONS

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

20. Violation of any part of the this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$53,907 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (July 1, 2016).

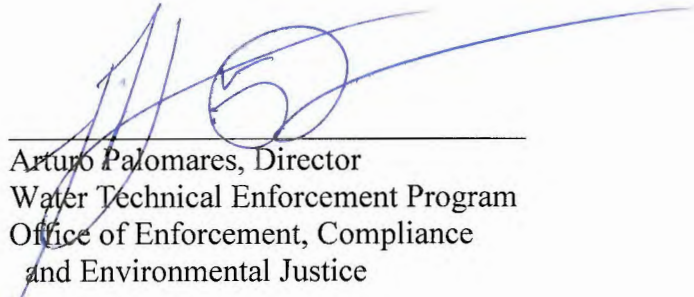
21. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: September 19, 2016.

David Rulli for JHE

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