



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2016 SEP 29 PM 1:40

SEP 29 2016

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

City Kids to Wilderness Project, Inc.  
Mr. Randolph K. Luskey, Registered Agent  
14950 South Mccoy Road  
Jackson, Wyoming 83001

Re: Administrative Order issued to Broken Arrow Ranch/City Kids to Wilderness Project, Inc.,  
PWS ID #5601081, Docket No. :SDWA-08-2016-0033

Dear Mr. Luskey:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 City Kids to Wilderness Project, Inc. (City Kids), as owner and/or operator of the Broken Arrow Ranch/City Kids to Wilderness Public Water Project, Inc. System, has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

This Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from City Kids, the EPA will assume our information is correct.

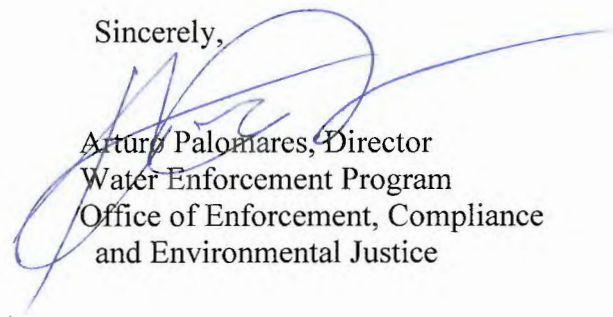
If City Kids complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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 or request an informal conference with the EPA, please contact Metea Wright at the above address (with the mailcode 8ENF-W), via email at [wright.metea@epa.gov](mailto:wright.metea@epa.gov), or by phone at (800) 227-8917, extension 6023 or (303) 312-6023. Any questions from your 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](mailto: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 be 'Arturo Palomares', is written over the typed name and title.

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

Enclosures

cc: WY DEQ/ DOH (via email)  
Missy Haniewicz, EPA Regional Hearing Clerk  
Russell Trautman, Broken Arrow Ranch (via email) rtrautman@mindspring.com



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CERTIFIED MAIL  
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Teton County Commissioners  
c/o Barbara Allen, Chair  
200 South Willow  
Jackson, Wyoming 83001

Re: Notice of Safe Drinking Water Act Enforcement Action against Broken Arrow Ranch/City Kids to Wilderness Project, Inc. PWS ID #5601081, Docket No.: SDWA-08-2016-0033

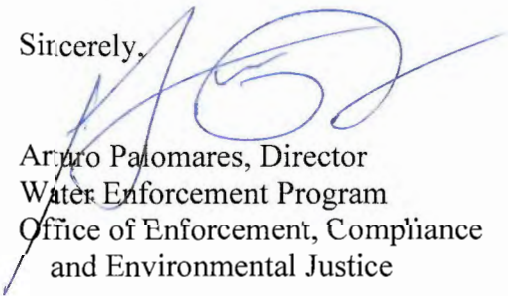
Dear Commissioners:

The Safe Drinking Water Act 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 City Kids to Wilderness Project, Inc., as owner and/or operator of the Broken Arrow Ranch/City Kids to Wilderness Project, Inc. Public Water System (System), located in Teton County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include exceeding the maximum contaminant level for total coliform, failure to monitor the System's water for total coliform, and failure to report violations.

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 Metea Wright at (303) 312-6023.

Sincerely,

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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2016 SEP 29 PM 1:40

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
City Kids to Wilderness Project, Inc., )  
 )  
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Respondent. \_\_\_\_\_ )

Docket No. SDWA-08-2016-0033

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**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. City Kids to Wilderness, Project, Inc.(Respondent) is a Wyoming corporation that owns and/or operates the Broken Arrow Ranch Public Water System (System), which provides piped water to the public in Teton County, Wyoming for human consumption.
3. The System accesses water from two sources, a well and a spring. The well is used as the primary water source with the spring used only for irrigation. The water is untreated. The System operates seasonally from June to August.
4. The System has approximately 13 service connections and/or regularly serves an average of approximately 45 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 collected in any month from the System’s water are positive for total coliform bacteria, 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 June of 2015 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 monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during July and August 2016 and, therefore, violated this requirement.

Broken Arrow Ranch/City Kids to Wilderness

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 paragraph 8 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):

10. In compliance with the Revised Total Coliform Rule, 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, Respondents shall submit a Level 1 assessment form 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, among other requirements, identify corrective action for any sanitary defects identified in the assessment.

11. 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 the EPA. 40 C.F.R. § 141.859. 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.

12. Respondent shall monitor the System's water each year during June, July, and August for total coliform bacteria and, if any sample is positive for total coliform, collect three repeat samples as required by 40 C.F.R. 141.853-858. 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).

13. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, Respondent shall notify the EPA in writing within 10 days.

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

15. 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,



Broken Arrow Ranch/City Kids to Wilderness

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.

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 Street  
Denver, Colorado 80202-1129  
Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
Fax 1-877-876-9101

### **GENERAL PROVISIONS**

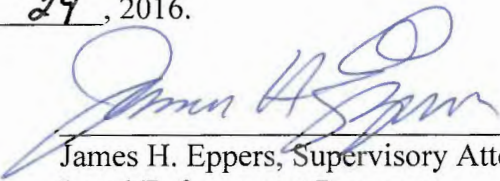
17. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

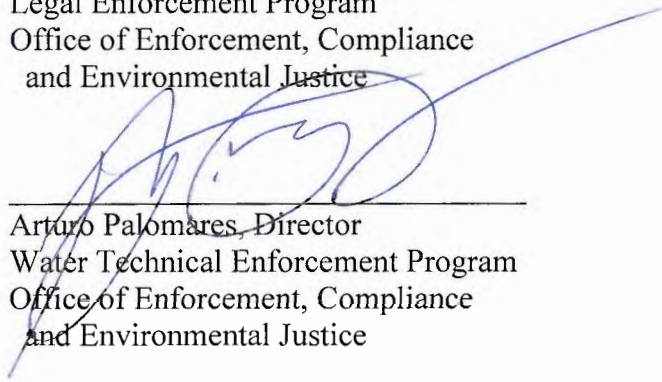
18. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$53,907 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 81 Fed. Reg. 43091 (July 1, 2016).

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: September 29, 2016.

  
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 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.

### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway 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](http://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/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

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

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

[www.epa.gov/ttn/cate](http://www.epa.gov/ttn/cate) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP and Oil Information Center

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

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center

**Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

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

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://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.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### 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

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

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

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

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).

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.*