



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

MAR 24 2011

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Andy Schwartz  
POB 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the Grand Teton  
Council of the Boy Scouts of America, Inc.  
Treasure Mountain Scout Camp  
PWS ID #WY5601495

Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area. An Administrative Order (Order) is being issued to the Grand Teton Council of the Boy Scouts of America, Inc., as owners/operators of the Treasure Mountain Scout Camp in the Caribou-Targhee National Forest. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor total coliform bacteria and nitrate and failure to notify EPA and the public of all 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 Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor", written over a horizontal line.

Darcy O'Connor, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosure



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REGION 8

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MAR 24 2011

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Larry K. Dunstan, Registered Agent  
Grand Teton Council of the  
Boy Scouts of America, Inc.  
POB 7005  
Jackson, WY 83002

Re: Administrative Order  
Treasure Mountain Scout Camp  
Public Water System  
Docket No. **SDWA-08-2011-0032**  
PWS ID #WY5601495

Dear Mr. Dunstan:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* Among other things, the Order describes how the Grand Teton Council of the Boy Scouts of America (BSA), as owners and/or operators of the Treasure Mountain Scout Camp, have violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the BSA 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.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from your 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,



Darcy O'Connor, Acting Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Brent Larson, Caribou-Targhee National Forest Supervisor  
David Widdison, Treasure Mountain Scout Camp  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 MAR 24 AM 9:03

IN THE MATTER OF: )  
 )  
Grand Teton Council of the )  
Boy Scouts of America, Inc. )  
 )  
Respondent. )

Docket No. SDWA-08-2011-0032

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 the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Grand Teton Council of the Boy Scouts of America, Inc. (Respondent) is a Wyoming nonprofit corporation that owns and/or operates the Treasure Mountain Scout 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 one well and the system's water is untreated. The system is operated seasonally during July and August.
4. The system has approximately 35 service connections and regularly serves an average of approximately 300 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 1401 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 § 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 for total coliform bacteria each year during the 3<sup>rd</sup> (July-August) calendar quarter. 40 C.F.R. § 141.21. Respondent failed to monitor the system's water for total coliform bacteria during the 3<sup>rd</sup> quarter of 2008, 2009 and 2010 and, therefore, violated this requirement. The system's water was monitored for total coliform bacteria each year during June prior to opening for the season in July.

8. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement. 40 C.F.R. § 141.23(d).
9. Respondent is required to notify the public of certain violations of the drinking water regulation, in the manner and within the timeframe specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the 2008 and 2009 violations listed in paragraph 7 above within one year of the violation and, therefore, violated this requirement.
10. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the 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.
11. Respondent is required to report any violation of any drinking water regulation to 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 paragraphs 8 and 9 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):

12. Respondent shall monitor the system's water during the 3<sup>rd</sup> quarter for total coliform bacteria, 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 of discovery, as required by 40 C.F.R. § 141.21(g)(2).
13. Prior to opening for the 2011 season, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. 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 nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
14. Within 30 days of opening for the 2011 season, Respondent shall notify the public of the violations cited in paragraphs 7 and 8 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.



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

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

**GENERAL PROVISIONS**

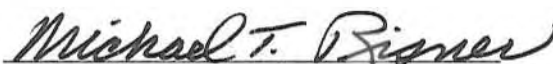
16. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

17. 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 24, 2011.



Darcy O'Connor, Acting Director  
Water Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice