

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0020
USDA Forest Service)
)
Respondent.) **ADMINISTRATIVE ORDER**
)
BTNF Curtis Canyon Campground)
PWS ID #WY5680136)

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 official.
2. The USDA Forest Service (Respondent) is a “federal agency,” as that term is defined at 42 U.S.C. § 300f(11), that owns and operates the Bridger-Teton National Forest’s (BTNF) Curtis Canyon Campground Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. Federal agencies owning or operating a public water system are subject to both procedural and substantive requirements respecting public water systems in the same manner and to the same extent as any person is subject to such requirements. 42 U.S.C. § 300j-6(a).
4. The System is supplied by a groundwater source accessed via one spring collection box. The water is untreated. The System is operated seasonally from June 1 to September 30.
5. The System has approximately three service connections and regularly serves an average of approximately 67 individuals daily at least 60 calendar 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. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient non-community water system” as defined in 40 C.F.R. § 141.2.
6. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
7. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

8. If the System fails to take three total coliform repeat samples within 24 hours following a routine total coliform positive result, Respondent is required to conduct a Level 1 assessment and submit it to the EPA within 30 calendar days of learning of the monitoring results. 40 C.F.R. §§ 141.858-859. Respondent failed to conduct a Level 1 assessment after failing to take three repeat samples of the System's water following a positive total coliform sample on September 5, 2022, 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. 40 C.F.R. § 141.402. The System has not notified the EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses. Respondent must sample each groundwater source and have it analyzed for a fecal indicator (e.g., *E. coli*). Respondent failed to monitor the System's source for a fecal indicator within 24 hours after being notified on September 7, 2022, that a sample taken on September 5, 2022, was analyzed as total coliform positive, and therefore violated this requirement. 40 C.F.R. § 141.402.

10. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 8, above, is classified as a violation requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 8 and failed to submit a copy of the public notice and certification to the EPA, and therefore violated this requirement.

11. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 9, above, is classified as a violation requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 9 and failed to submit a copy of the public notice and certification to the EPA, and therefore violated this requirement.

12. Respondent is required to report any violation of treatment techniques for coliforms found in 40 C.F.R. § 141.859 no later than the end of the next business day after it learns of the violation. 40 C.F.R. § 141.861(a)(2). Respondent failed to report the violation listed in paragraph 8, above, to the EPA and therefore violated this requirement.

13. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies 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

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

15. Within 15 calendar days of receipt of this Order, Respondent shall conduct a Level 1 assessment and submit the attached Revised Total Coliform Rule Level 1 assessment form to the EPA. The assessment shall determine the cause of the total coliform positive samples, identify corrective actions for all sanitary defects, and include a proposed schedule (Schedule) and plan for completion of all corrective actions after consulting with the EPA. The Schedule shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA, including photographs of the corrective actions. 40 C.F.R. § 141.859.

16. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its groundwater source and have it analyzed for a fecal indicator (e.g., *E. coli*). If a sample is *E. coli* positive, Respondent shall notify the EPA immediately for appropriate assistance pursuant to 40 C.F.R. § 141.403(a)(4), comply with the treatment technique requirements in 40 C.F.R. § 141.403(a), and provide appropriate public notification pursuant to 40 C.F.R. § 141.402(g) within 24 hours as required by 40 C.F.R. § 141.202(b)(1). 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, Respondent shall specify that it is a triggered source water sample. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

17. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 8, above, persists, Respondent shall notify the public of this violation. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

18. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 9, above. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and

certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.

19. Respondent shall report any violation of the treatment techniques for coliforms in 40 C.F.R. § 141.859 no later than the end of the next business day after it learns of the violation, as required by 40 C.F.R. § 141.861(a)(2).

20. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must 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 Part 141 specifies a different time period for reporting the particular violation, Respondent must report the violation to the EPA within that different period.

21. If the population served by the System at least 60 days of the year falls below 25 individuals, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

22. 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 must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.

23. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
Tyson.Elizabeth@epa.gov

GENERAL PROVISIONS

24. This Order is binding on Respondent and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

25. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

USDA Forest Service

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26. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$69,733 (as adjusted for inflation) per day of violation. See 42 U.S.C. §§ 300g-3 and 300j-6(b)(2); 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

Issued: February 28, 2024.

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division