



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

SEP 24 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brian M. Pentecost, Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Re: Administrative Orders issued to the United States Department of Agriculture and U.S. Forest Service for Flat Canyon Campground Public Water System, PWS ID #UTAH20018, Docket No. SDWA-08-2015-0030, and Warner Campground and GS Public Water System, PWS ID#UTAH10011, Docket No. SDWA-08-2015-0031

Dear Mr. Pentecost:

Enclosed are Administrative Orders (Orders) 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 Orders allege that the USDA and U.S. Forest Service, Manti-La Sal National Forest (Forest Service), as owner and/or operator of both the Flat Canyon Campground and Warner Campground and GS public water systems, have violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Orders are effective upon the date received. Please review the Orders 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 updates to the number of service connections and/or individuals served, etc.). If the EPA does not hear from you, the EPA will assume the information included in these Orders is correct.

If the Forest Service complies with the Orders, the EPA may close the Orders without further action. Failure to comply with the Orders may lead to substantial civil penalties.

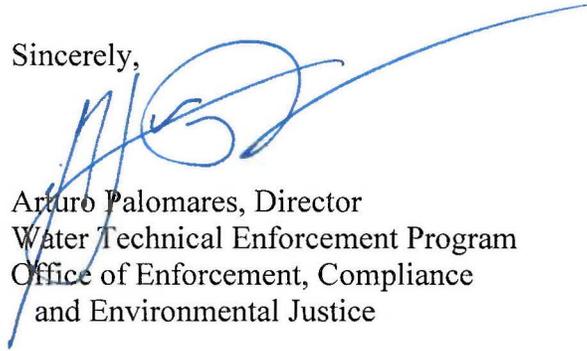
The Warner Campground and GS Order requires the Forest Service to notify the public of having violated the Drinking Water Regulations (at Warner Campground and GS). Enclosed please find a public notice template explaining the public notice requirements in more detail.

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), by phone at (800) 227-8917, extension 6467, or (303) 312-6467, or by email at hofstader.olive@epa.gov. Any questions from the Forest Service's attorney should be directed to Mia

Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or by email at bearley.mia@epa.gov.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Orders
Public Notice Template

cc:

Patti Fauver, Rule Section Manager, UT DEQ Division of Drinking Water (via email)
Cathleen Christensen, Facility Engineer, Manti-La Sal National Forest (via email)
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 SEP 24 AM 11:29

IN THE MATTER OF: _____)
)
)
United State Department of Agriculture,)
U.S. Forest Service)
)
)
Respondent. _____)

Docket No. SDWA-2015-0081 VIII

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 official.
2. The USDA Forest Service, Manti-La Sal National Forest (Respondent) is a federal agency that owns and/or operates the Warner Campground and GS Public Water System (System), which provides piped water to the public in Grand County, Utah, for human consumption.
3. The System is supplied by a groundwater source accessed via 1 spring; the water is treated with chlorination. The System is open seasonally, operating from July through September.
4. The System has approximately 9 service connections and/or regularly serves an average of approximately 205 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 Utah Department of Environmental Quality (State) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. The EPA issued a notice of Respondent’s violations to the State and to Respondent on August 5, 2015. The State elected not to commence an enforcement action against Respondent for the violations listed in that notification within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

VIOLATIONS

7. Respondent is required to complete corrective action of a significant deficiency or be in compliance with an approved corrective action schedule within 120 days of receiving written notification from the State of the significant deficiency. 40 C.F.R. § 141.403(a)(2). Respondent is required to notify the State within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). On April 8, 2014, the State advised Respondent of a significant deficiency at the System. On April 2, 2015, the State advised the Respondent that it had failed to address the significant deficiency, installation of a chlorinator without prior approval from the State, in violation of

Utah Administrative Code (UAC) R309-500-5 and UAC R309-105-6(1). As a result, the System has violated the requirements.

8. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violation cited in paragraph 7, above, and, therefore, violated this requirement.

9. Respondent is required to report any failure to comply with any Drinking Water Regulation to the State 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 8, above, to the State 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. Prior to opening for the 2016 season, Respondent shall complete appropriate corrective actions for the significant deficiency at the System previously cited by the State. Respondent shall comply with the consultation and corrective action requirements with any significant deficiencies identified to it by the State in the future. Respondent shall notify the State and the EPA within 30 days of completion of a corrective action for the cited significant deficiency. 40 C.F.R. §§ 141.403(a)(4), 404(a), and 405(a)(2). Note: Significant deficiencies, if any, are identified by the State during sanitary surveys of public water systems; the next sanitary survey of the System is expected to take place during 2017.

11. If required by the State as a corrective action for the outstanding significant deficiency in question, Respondent shall submit a request to the Utah Division of Drinking Water (Division) for after the fact approval for improvements completed (installation of a chlorinator) at the System. Further, Respondent shall request approval of plans and specifications for all public drinking water projects, as described in UAC R309-500-5, and receive approval in writing by the Director prior to the commencement of construction of any future improvements at the System. UAC R309-105-6(1).

12. Within 30 days of opening to the public, Respondent shall notify the public of the violation cited in paragraph 7, above, following the instructions provided with the public notice template enclosed with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the State and the EPA.

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

14. This Order shall be binding on Respondent, 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 State and 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.

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

Olive Hofstader
U.S. EPA Region 8 (ENF-W)
1595 Wynkoop Street
Denver, Colorado 80202-1129

AND

Patti Fauver, Rules Section Manager
Utah Department of Environmental Quality
Division of Drinking Water
P.O. Box 144830
Salt Lake City, Utah 84114-4830

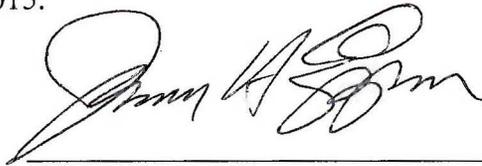
GENERAL PROVISIONS

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.

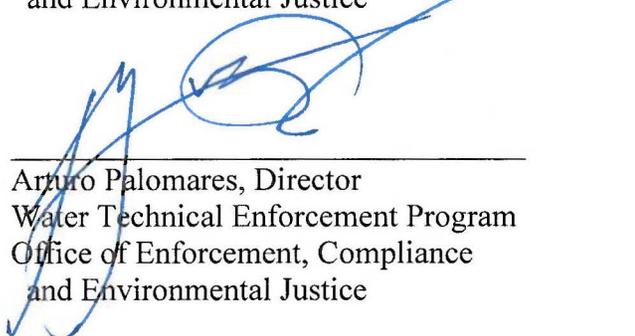
18. Violation of any part of this Order may subject Respondent to a civil administrative penalty of up to \$32,500 per day of violation (as adjusted for inflation). Violation of the Act or the Drinking Water Regulations may subject Respondent to a civil administrative penalty of up to \$32,500 per day per violation (as adjusted for inflation). 42 U.S.C. §§ 300g-3, 300j-6, 300j-8; 40 C.F.R. part 19.

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

Issued: September 24, 2015.



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

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state approved corrective action plan and schedule for a fecal indicator positive ground water source sample or significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

After Issuing the Notice

Make sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.

DRINKING WATER NOTICE

[System] Failed to [Correct a Significant Deficiency/Address a Fecal Indicator-Positive Source Sample] Within Required Time Frame

Our water system [give system name] was required to take action to [correct a significant deficiency/address a fecal-indicator positive source sample] by [give date]. However, we failed to take action by the required date.

What This Means

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

You may drink the water. However, if you have specific health concerns, consult your doctor.

If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

Steps We Are Taking

[Describe corrective action.] We expect to have the [significant deficiency/source of fecal contamination] corrected by [give date].

For more information, please contact [name of contact] of [system] at [phone number] or [location/address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by [system]. State Water System ID#: _____.

Date distributed: _____.