



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

APR 18 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

USDA Forest Service
c/o Garth Smelser, Supervisor
Caribou-Targhee National Forest
1405 Hollipark Drive
Idaho Falls, Idaho 83401

Re: Administrative Order, Trail Creek Campground Public Water System
PWS ID #5680116, Docket No. **SDWA-08-2016-0008**

Dear Mr. Smelser:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 Order alleges that the USDA Forest Service (FS), as owner and/or operator of the Trail Creek Campground Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the FS believes the EPA may not have (such as any upgrades to the System or any updates to the numbers of connections and/or individuals served). If the EPA does not hear from the FS, the EPA will assume this information is correct.

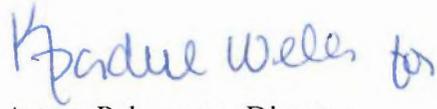
If the FS complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties.

The Order requires the completion of a Seasonal System Checklist, which is enclosed.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at brainich.kathelene@epa.gov, or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from the FS 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 that reads "Arturo Palomares for".

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

Enclosures

cc: Jay Pence, Teton Basin Ranger District, Caribou-Targhee National Forest (via email)
WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

APR 18 2016

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Barbara Allen, Chair
P.O. Box 3594
Jackson, Wyoming 83001

Re: Notice of Safe Drinking Water Act Enforcement Action against the USDA Forest Service, Caribou-Targhee National Forest, Trail Creek Campground Public Water System
PWS ID #5680116, **Docket No. SDWA-08-2016-0008**

Dear Commissioners:

The Safe Drinking Water Act 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 USDA Forest Service, as owners/operators of the Trail Creek Campground Public Water System, located in the Caribou-Targhee National Forest, directing it to comply with the National Primary Drinking Water Regulations. The violation alleged in the Order is exceeding the total coliform acute maximum contaminant level.

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,

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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2016 APR 18 PM 2:31

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
USDA Forest Service,)
Caribou-Targhee National Forest,)
)
Respondent.)

Docket No. SDWA-08-2016-0008

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Caribou-Targhee National Forest Trail Creek Campground Public Water System (the System), which provides piped water to the public in Teton County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source accessed via one spring; the water is not treated. The System is open seasonally from June through September.

4. The System has approximately 5 service connections and regularly serves an average of approximately 40 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).

VIOLATIONS

6. If any routine sample is analyzed as positive for fecal coliform or *E. coli* and a repeat sample is analyzed as positive for total coliform, fecal coliform or *E. coli*, this is a violation of the acute maximum contaminant level (MCL) for total coliform. 40 C.F.R. § 141.63(b). After a sample of the System's water taken on September 7, 2015, was analyzed as positive for total coliform and fecal coliform or *E. coli*, repeat samples taken on September 10, 2015, were also analyzed as positive for total coliform and fecal coliform or *E. coli*. Therefore, Respondent violated the acute MCL for total coliform.

ORDER

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

7. Prior to opening for the 2016 season, Respondent shall complete the Respondent's plan, below, to consistently comply with the total coliform acute MCL. 40 C.F.R. § 141.63(b). Respondent identified the System's storage tank as the probable cause of the total coliform acute MCL. Within 10 days of completing the plan, Respondent shall notify the EPA of the completion, including photographic evidence, along with the cost of completing the plan.

Elevate the hatch on the finished water storage tank to a minimum of 24 inches above the top of the tank surface or ground surface, whichever is higher, with a locking shoebox lid and gasket. Terminate the air vent on the finished water storage tank in an inverted U construction at least 24 inches above the roof or ground surface, whichever is higher, to prevent rain from entering.

8. Respondent shall collect pre-season total coliform samples at each service connection and mark the samples as "special" for analyses as they are investigative and will not be used for compliance purposes. Respondent shall complete start-up procedures using the enclosed Seasonal System Checklist each year, sign the checklist and send a copy to the EPA prior to serving water to the public.

9. Respondent shall achieve compliance with the total coliform acute MCL prior to opening for the 2016 season and shall maintain such compliance thereafter. The EPA may order further steps and/or seek penalties for future noncompliance with the total coliform acute MCL.

10. 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.

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

12. 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, CO 80202-1129
Email: R8DWU@epa.gov
Fax: (877) 876-9101

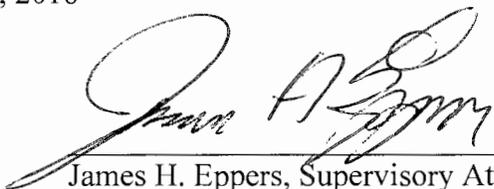
GENERAL PROVISIONS

13. This Order shall 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 the EPA to forgo any civil or criminal action.

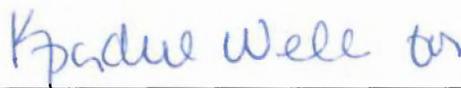
14. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3, 300j-6, 300j-8; 40 C.F.R. part 19.

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

Issued: April 18, 2016



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice



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

**EPA Region 8 Seasonal Start-up Checklist
For Public Water Systems in Wyoming or on Tribal Lands in EPA Region 8**

If your public water system is open only part of the year, it is considered a seasonal system. Under the Revised Total Coliform Rule, you are required to complete the following steps and submit this form to our office **prior to serving water to the public** for the season. You will be in violation of the RTCR and subject to enforcement action if you serve water to the public before completing these start-up procedures and submitting this form to our office.

Wyoming and EPA R8 Tribal water systems can submit this checklist to:

RTCR Manager
8P-W-DW
1595 Wynkoop Street
Denver, CO 80202
Or fax to: 1-877-876-9101 or email to: R8DWU@epa.gov

PWS Name: _____
PWS ID number: _____
Today's Date: _____
Date water system opens to the public: _____
Estimated closure date for the season: _____

Unless otherwise noted as optional, all actions must be completed. If an action does not apply or you do not have a specified piece of equipment, mark "N/A":

Action	Completed?	Comments
1) Inspect each source- <ul style="list-style-type: none">Wells- Is each well sealed and intact? Are all required gaskets and screens undamaged and properly installed? Are all bolts present and tight? Are there any openings that could allow in animals, insects, stagnant or other water?Spring(s) - Are there any breaches or openings that could allow in contamination? Has deep rooted vegetation been removed? Is your spring area fenced or protected from stock or wildlife?Intake(s) - Any repairs needed?		

Complete any repairs prior to opening. If more time for repairs is needed, be sure to contact our office first.

2) Does your system have any treatment? Ensure that chemical feeds are functioning properly, you have fresh disinfectant, and conduct UV maintenance (if necessary).

Complete any repairs prior to opening. If more time for repairs is needed, be sure to contact our office first.

- 3) Inspect any storage or pressure tanks.
- Are there any openings or repairs needed?
 - Are vents and overflows intact and properly fitted with #24 mesh screen?
 - Are access penetrations gasketed and sealed?
 - Are all valves operational?

Complete any repairs prior to opening. If more time for repairs is needed, be sure to contact our office first.

- 4) Flush the distribution system
- You must flush your system to rid your distribution system of stagnant water. We recommend disinfecting and flushing as it is more effective and will kill any bacteria that may have accumulated. Be sure to use chlorine solution approved for drinking water.*

a) *Recommended:* Add disinfectant at proper dosage. Fill the system then turn on faucets to get disinfected water throughout your entire distribution. Shut the water off and let sit 24 hours. Prevent anyone using this water during this time as it would contain high levels of disinfectant.

b) Flush the stagnant or disinfected water out of the system. *Be sure to keep chlorinated water away from septic systems and surface water bodies such as lakes, streams and ponds.*

- 5) Flush out your tanks (if applicable). Ensure stagnant or disinfected water is removed and all valves are operational.
- 6) Inspect your pipes (distribution system).
- Any leaks noted? Does the system hold pressure with all taps closed?

Complete any repairs prior to opening.

- 7) When the above steps are completed, collect a **special** bacteriological sample and send to the lab for analysis.
- This can serve as a double check to ensure your system is fully operational and ready for the season. Samples labeled as "special" do not count for compliance.*
- 8) Did your system have any TC+ sample results prior to closing for the season last year? If all repeats were not taken at that time, then collect the required number prior to opening for the season.

If you need further instruction on disinfection practices, you can consult Wyoming Association of Rural Water Systems at 307-436-8636 or if in Indian country, consult Barb Burkland (MT) at burkland.barbara@epa.gov or Andrea Griese (ND, SD) at griese.andrea@epa.gov or Mindy Mohr (CO, UT) at mohr.mindy@epa.gov. Any time you have a positive total coliform sample, be sure to refer to: <https://www.epa.gov/region8-waterops/emergencies-and-security-follow-unsafe-total-coliform-rule-positive-sample> for the required steps.

Additional Comments:

Certification of Completion:

I hereby certify that each start-up procedure listed above was completed before water was delivered to my customers.

Name (Printed) _____

Signature _____ Date _____

Phone Number _____ Email _____