



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**MAY - 6 2013**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sublette County Commissioners  
c/o Joel Bousman, Chairman  
P.O. Box 250  
21 South Tyler  
Pinedale, WY 82941

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Trapper Trails Council, Boy Scouts of America  
Camp New Fork  
PWS ID #WY 5600564

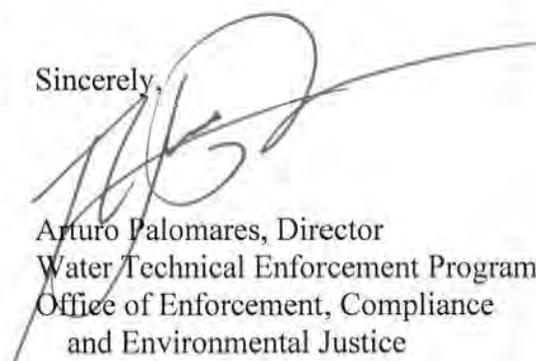
Dear Commissioners:

The Safe Drinking Water Act requires that the U.S. 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 Trapper Trails Council, Boy Scouts of America, directing it to comply with the National Primary Drinking Water Regulations at Camp New Fork public water system. The violations alleged in the Order include a violation of the total coliform maximum contaminant level (MCL), failure to monitor for total coliform, failure to notify the public of total coliform violations, and failure to report these violations to EPA.

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 Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure  
Order



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MAY - 6 2013

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Bud Allen, Registered Agent  
Trapper Trails Council, Boy Scouts of America  
Green River Office  
98 North 1<sup>st</sup> East  
Green River, WY 82935

Re: Administrative Order  
Camp New Fork Public Water System  
Docket No. **SDWA-08-2013-0026**  
PWS ID #WY5600564

Dear Mr. Allen:

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 Trapper Trails Council of the Boy Scouts of America (Council), as owner and/or operator of the Camp New Fork 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 pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any public notices that were not sent to EPA, any changes to the public water system, etc.). EPA appreciates that the Council has worked with the Wyoming Department of Environmental Quality to make substantial improvements to the System, however this Order addresses additional concerns at the System.

If the Council 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.

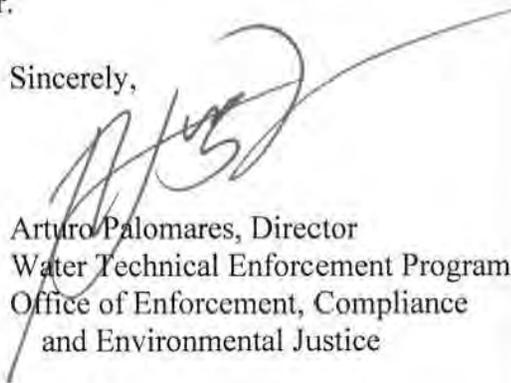
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

The Order requires the Council to notify the public of having violated the Drinking Water Regulations. Enclosed please find public notice templates 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 Jill Minter at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6084 or (303) 312-6084. Any questions from your attorney(s) 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,



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

Enclosures:

Order  
SBREFA information sheet  
Public Notice Templates

cc: Allen Endicott, Scout Executive  
Jeremy Bell, Administrative Contact, Camp New Fork Public Water System  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk  
Thea Koci, Special Use Permits, Bridge-Teton National Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2013 MAY -6 PM 2:34

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF: )

Trapper Trails Council, Boy Scouts of America )

Respondent. )

Docket No. SDWA-08-2013-0026

**ADMINISTRATIVE ORDER**

1. This Order is issued under the authority vested in the Administrator of the U.S. 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. Trapper Trails Council, Boy Scouts of America (Respondent) is a Wyoming non-profit corporation that owns and/or operates the Camp New Fork public water system (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.
3. The System is supplied by a ground water source consisting of two wells. A second well was constructed and completed in October, 2012. The System's water can now be treated with chlorine. New chlorinators were added to each well in 2012.
4. The System has approximately 30 service connections and/or regularly serves an average of approximately 450 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 "non-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, 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 the month of July 2012, four of six samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement. In addition, these four positive total coliform samples were also positive for E. coli, but the lab did not immediately notify EPA or the System of these results. When EPA was notified of the positive E. coli results, on August 29, 2012, the camp was closed for the season and, therefore, EPA did not issue an acute MCL violation at that time.

8. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five additional routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on July 25, 2012, Respondent failed to take at least five additional routine samples of the System's water in August, 2012 and, therefore, violated this requirement. For routine monitoring, public water systems must collect total coliform samples at sites which are representative of water throughout the system according to a written sample siting plan. 40 C.F.R. § 141.21(a). Respondent took six samples on August 23, 2012 from tanks, pump houses and wells upon completion of construction but these sites are not representative of water throughout the system and, therefore, cannot be counted as additional routine samples.

9. Respondent is required to monitor the System's water during the 2<sup>nd</sup> quarter (April - June) and 3<sup>rd</sup> quarter (July - September) for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the 2<sup>nd</sup> quarter of 2011 and the 2<sup>nd</sup> quarter of 2012 and, therefore, violated this requirement.

10. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System's water within 24 hours of being notified of the June 18, 2008 sample result that was positive for total coliform, and, therefore, violated this requirement.

11. 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 violations cited in paragraphs 7, 9 and 10 above, and, therefore, violated this requirement. The public notice for the failure to take five additional total coliform routine samples in August 2012 is not yet overdue. Respondent did provide EPA with a copy of a public notice for the August 2012 violation, but the public notice was posted on September 27, 2012, when the camp was closed for the season.

12. 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 paragraphs 9 and 10, above, to the EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any Drinking Water Regulation to the 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 violation cited in paragraph 11, 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):



14. Within 30 days after receipt of this Order, Respondent shall provide the EPA with a compliance plan and schedule for the System to come into and remain in compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include: equipment or processes installed in 2012, including disinfection, and associated operation and monitoring plans (sample site plan); training plans for operation of new equipment, processes and other system modifications installed in 2012; and any proposed additional modifications to the System and associated estimated costs. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within two months from the date of the EPA's approval of the plan and schedule but no later than opening day for the first week of the 2013 summer camp season, which EPA understands to be on June 22, 2013. The proposed schedule must be approved by the EPA before any new construction or modifications may begin. The EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.
15. The plan and schedule required by paragraph 14, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.
16. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 14, above, Respondent shall notify the EPA of the project's completion.
17. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than opening day of the first week of the 2013 summer camp season, June 22, 2013, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
18. If any routine sample for the System is positive for total coliform, Respondent shall collect at least five additional routine samples during the next month in which the System provides water to the public, following the procedures in 40 C.F.R. § 141.21. Prior to serving water to the public in 2013, but no later than June 17, 2013, Respondent shall collect at least five additional routine samples for total coliform.
19. If any routine sample for the System is positive for total coliform, Respondent shall collect a set of four repeat samples within 24 hours of being notified of the positive result, following the procedures in 40 C.F.R. § 141.21.
20. Respondent shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. 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. § 141.21(g)(2).



21. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).
22. When the camp opens for the first week of the summer camp season, June 22, 2013, Respondent shall notify the public of the violations cited in paragraphs 7, 9 and 10, above, following the instructions provided with the public notice templates provided to the Respondent 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 and certification to the EPA. If the System exceeds the fecal coliform/*E. coli* MCL, Tier 1 public notice must be in compliance with 40 C.F.R. § 141.202.
23. 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

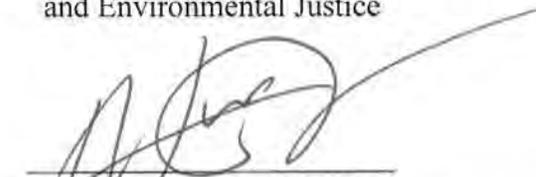
#### **GENERAL PROVISIONS**

24. 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.
25. 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.
26. 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).
27. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.



Issued: May 6, 2013.

  
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

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring Requirements Not Met for Camp New Fork

Our water system violated several drinking water regulations over the compliance period shown below. As our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. We did not monitor for total coliform bacteria in follow-up to the July 25, 2012 positive total coliform and E. coli sample results. We also did not monitor for total coliform during the 2<sup>nd</sup> quarter of 2012 and 2<sup>nd</sup> quarter of 2011 (April-June) and we did not collect repeat samples in follow-up to the June 18, 2008 positive total coliform sample result. Therefore, we cannot be sure of the quality of your drinking water during those times.

### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency and number of samples	When samples should have been taken
Total coliform bacteria	1 sample per quarter	2 <sup>nd</sup> quarter (April-June), 2012 2 <sup>nd</sup> quarter (April-June), 2011
Total coliform bacteria	If any routine sample is positive for total coliform, collect five additional routine samples the following month.	August, 2012
Total coliform bacteria	If any routine sample is positive for total coliform, collect four repeat samples within 24 hours of being notified.	August, 2008

### What happened? What is being done?

For more information, please contact [name, phone number, and email of contact person]:

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*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 Camp New Fork BSA. Public Water System ID#: WY5600564.  
Date distributed or dates posted: \_\_\_\_\_.

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, 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.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to 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

[www.ccar-greenlink.org](http://www.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)

### Printed Wiring Board Manufacturing

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

### Printing

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

### Ports

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

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

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

### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

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

### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

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

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

### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.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/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

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

## **Wetlands Information Helpline**

[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

## **State and Tribal Web-Based Resources**

### **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.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

### **EPA's Tribal Compliance Assistance Center**

[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

### **EPA's Tribal Portal**

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

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### **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**

[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

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

#### **EPA's Audit Policy**

[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

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), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

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.*