UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
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http://www.epa.gov/region08

AUG 18 2009

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William T. Bass, Forest Supervisor
USDA Forest Service, Bighorn National Forest
2013 Eastside 2nd Street
Sheridan, WY 82801

RE: Emergency Administrative Order under Section 1431 SDWA
Docket No. **SDWA 08-2009-0080**
Bighorn National Forest, Burgess Junction Visitor Center Public Water System
PWS ID #WY5680232

Dear Mr. Bass:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. On August 17, 2009, EPA was notified that the Bighorn National Forest, Burgess Junction Visitor Center water system (the system) obtained one total coliform-positive sample from monitoring conducted on August 10, and two total coliform-positive samples and one total coliform and E. coli-positive sample from monitoring conducted August 13, 2009 at the system. This situation may pose an imminent and substantial health endangerment to persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions are necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility under the Act in the State of Wyoming.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the water system are provided with safe drinking water. The Order requires, in part, that the system: issue a Boil Order and public notice until notified by EPA to discontinue; take additional total

coliform bacteria samples; and submit a plan for long-term compliance. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Mario Mérida at (800) 227-8917 extension 6297 or 303-312-6297. Ask any of your attorneys to call Legal Enforcement Attorney Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement,
Compliance and
Environmental Justice

Enclosures
Emergency Administrative Order

cc: WY DOH & DEQ (via email)
Sheridan County Commissioners (FYI only)
Tina Artemis, EPA Regional Hearing Clerk
Steve Quintana, Civil Engineer, Bighorn NF,
Supervisor's Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 AUG 18 PM 3:10

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF	
	EMERGENCY ADMINISTRATIVE
USDA Forest Service, Bighorn National Forest,	**ORDER**
Respondent.	Docket No. **SDWA 08-2009-0080**

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the Safe Drinking Water Act or Act). 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.

2. Failure to comply with this Order may result in civil penalties of up to $16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.

3. EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).

4. The USDA Forest Service, Bighorn National Forest (Respondent) is a Federal agency and therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).

5. Respondent owns and/or operates the Burgess Junction Visitor Center drinking water system (the system), located in the Bighorn National Forest, Sheridan County, Wyoming, which provides water to the public for human consumption.

6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act and its implementing regulations, 40 C.F.R. part 141 (also known as the drinking water regulations).

7. The system serves an average of 1500 persons daily during the summer season, and therefore is a "public water system" as defined in the Act.

8. EPA has determined that conditions exist at the system that may present an imminent and substantial endangerment to human health. EPA has made this determination based on a sample collected on August 10, 2009, by the operator at Burgess Junction Visitor Center which was determined to be total coliform-positive, one repeat sample collected on August 13, 2009, which was determined to be total coliform and E. coli-positive, and two additional repeat samples collected also on August 13, 2009, which were found to be total coliform-positive. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

9. Prior to issuing this Order, EPA consulted with the system and state or local governmental authorities to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

FINDINGS OF VIOLATION

10. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. The drinking water regulations define the acute maximum contaminant level (MCL) for total coliform bacteria as a fecal coliform positive or E. coli-positive repeat sample, or any total coliform positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample. 40 C.F.R. § 141.63(b). The results of samples collected by the operator at Burgess Junction Visitor Center on August 10 and 13, 2009, exceeded the acute MCL for total coliform bacteria and, therefore, violated this requirement.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order.

BOIL ORDER AND PUBLIC NOTICE

12. Respondent issued a public notice and boil advisory on August 17 and forwarded a copy of this notice to EPA. Respondent shall continue the boil water advisory until EPA provides written notification to discontinue. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement upon any future acute MCL violation or any similar emergency situation.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

13. Within 24 hours of this Order, Respondent shall clean, flush, and disinfect the system, including disinfection of the system's distribution system and any storage tanks that are part of the system.

14. Once the system has been flushed and disinfected, Respondent shall collect consecutive daily (1 sample per day) special purpose total coliform samples from the system's distribution system.

15. After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the system have been negative, Respondent shall collect weekly special purpose bacteriological samples (1 sample per week).

16. After Respondent receives written notification from EPA that Respondent may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of weekly total coliform sample results from the system have been negative, Respondent shall collect monthly total coliform samples.

17. After Respondent receives written notification from EPA that Respondent may discontinue monthly total coliform sampling based on EPA's determination that a sufficient number of monthly total coliform sample results from the system have been negative, Respondent shall resume quarterly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.

18. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system. Additionally, Respondent shall report all total coliform sampling results to EPA by telephone or fax immediately upon receiving the results.

19. EPA may require Respondent to increase and/or decrease total coliform sampling at any time while the Order is in effect.

COMPLIANCE MEASURES

20. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule that outlines actions to be taken that will ensure compliance with the total coliform MCL. 40 C.F.R. § 141.63. The plan shall identify the cause of the positive E. coli and total coliform samples mentioned above and describe efforts Respondent will take to prevent recurrence of total coliform and E. coli-positive contamination in the system. The plan shall include a schedule for completion of the project and compliance with the Order and Federal requirements, and if applicable, proposed system modifications, and estimated costs of modifications. The proposed schedule shall include specific milestone dates and a final compliance date prior to opening for the 2010 season. The plan and schedule must be approved by EPA before construction or modifications may commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) which may also be required before modifications can be made to the system.

21. The plan and schedule required by paragraph 20, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA. EPA may incorporate the above required plans into a new Administrative Order issued under § 1414 or § 1431(a) of the Act. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

22. Respondent shall submit monthly reports to EPA on the status of all corrective measures until notified in writing by EPA to discontinue reports. Reports shall be postmarked by the 15th of each month.

23. Within 10 days of completion of the approved plans and schedule required in paragraph 20, Respondent shall notify EPA in writing of project completion.

REPORTING

24. Respondent shall give daily updates to EPA on the progress of returning the system to compliance. Daily updates must be submitted to EPA until EPA notifies the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

25. All contact with EPA on this matter shall be to:

Mario Mérida, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917 X 6297 or (303) 312-6297
Fax (303) 312-7518
e-mail: merida.mario@epa.gov

26. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter.

Issued and effective this 18th day of August, 2009.

Diane L. Sipe

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

David Rochlin

David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice