



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

FEB - 3 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Park County Commissioners  
c/o Jill Shockley Siggins, Chairman  
Park County Courthouse  
1002 Sheridan Ave.  
Cody, WY 82414

Re: Notice of Safe Drinking Water Enforcement  
Action against Shoshone National Forest,  
Rex Hale CG Public Water System  
PWS ID # WY5680224

Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order (Order) to the Shoshone National Forest – Rex Hale Camp Ground, located in Park County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for total coliform bacteria, and failing to monitor for total coliform bacteria at the water source.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

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

Enclosure  
Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FEB - 3 2011

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joe Alexander, Forest Supervisor  
USDA Forest Service, Shoshone National Forest  
808 Meadow Lane Avenue  
Cody, WY 82414

Re: Administrative Order  
Rex Hale Camp Ground  
Public Water System  
Docket No. **SDWA-08-2011-0019**  
PWS ID # WY5680224

Dear Mr. Alexander:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Among other things, the Order alleges that the USDA Forest Service, Shoshone National Forest, has violated the National Primary Drinking Water Regulations (the drinking water regulations).


The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the USDA Forest Service, Shoshone National Forest, complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties.

The Order requires the Shoshone National Forest 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 or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the U.S. Forest Service's attorneys should be directed to Eduardo Quintana, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6924 or (303) 312-6924.

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  
Public Notice Templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ (via e-mail)  
WY DOH (via e-mail)  
Justin Hawkins, Recreation Technician, Shoshone National Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 FEB -3 AM 11:09

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
 USDA Forest Service, )  
       Shoshone National Forest, )  
 )  
 Respondent )  
 \_\_\_\_\_ )

FILED  
 REGION VIII  
 HEARING CLERK  
 Docket No. ~~SDWA-08-2011-0019~~  
 ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Shoshone National Forest Rex Hale Camp Ground public water system (the system), which provides piped water to the public in Park County, Wyoming, for human consumption.
3. The system is supplied by a well. The water is not treated.
4. The system has approximately 15 service connections and/or regularly serves at least 75 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. 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 Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During August 2010 one sample collected from the system on the 11<sup>th</sup> and three samples collected on the 19<sup>th</sup> of that month were positive for total coliform, and, during July 2009 one sample collected on the 14<sup>th</sup> and four samples collected on the 21<sup>st</sup> of that month were positive for total coliform. Therefore, Respondent violated this requirement.

8. Respondent is required to conduct triggered source monitoring, collecting at least one water sample for E. coli testing from each source in use, within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive. 40 C.F.R. § 141.402 (a). The system received a total coliform-positive result for the routine water samples collected on August 11, 2010, but Respondent failed to collect any ground water source samples within the required 24 hour time-frame and, therefore, violated this requirement.

9. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the August 2010 MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 8, above, to EPA and, therefore, violated this requirement.

11. Respondent is required to report any failure to comply with any drinking water regulation to 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 9 to 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):

12. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2).

13. Within 30 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within four months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before any construction or system modifications may begin. 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.



14. The plan and schedule required by paragraph 14, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA.
15. Within 10 days of completing all tasks included in the plan and schedule required by paragraph 14, above, Respondent shall notify EPA of the project's completion.
16. Respondent must achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than four months after receiving EPA's approval of the plan and schedule required by paragraph 14, above, whichever is earliest. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.
17. Respondent shall comply with the triggered source monitoring requirements of the Ground Water Rule, as required by 40 C.F.R. § 141.402. Prior to opening the system to the public for the 2011 season, Respondent shall collect at least one water sample from its groundwater source for analysis of fecal indicators, as required by 40 C.F.R. §§ 141.402 (a) and (c).
18. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a).
19. Respondent shall report any violation of the total coliform MCL requirements to EPA no later than the end of the next business day after learning of it, as required by 40 C.F.R. § 141.21(g)(1).
20. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).



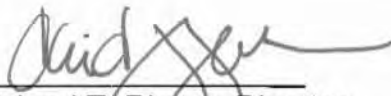
21. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. 141.31(b).
22. Respondent shall direct all reporting required by this Order to:

U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, CO 80202-1129

### **GENERAL PROVISIONS**

23. 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.
24. Violation of any part of this Order may subject Respondent to a civil 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 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.

Issued: February 3, 2014.



Michael T. Risner, Director  
David Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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

