



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

JUN 10 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Albany County Commissioners
c/o Tim Sullivan, Chairman
525 E. Grand, Ste. 202
Laramie, WY 82070

Re: Notice of Safe Drinking Water Act Enforcement
Action against the Vedauwoo Campground
Public Water System
PWS ID # WY5680068

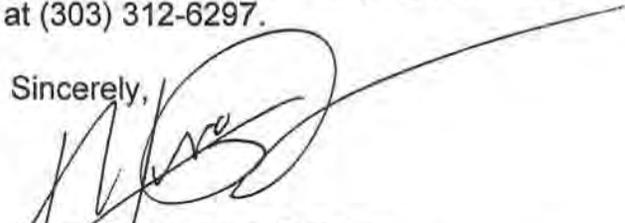
Dear Commissioners:

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

The EPA is issuing an Administrative Order (Order) to the USDA Forest Service, Medicine Bow and Routt National Forests and Thunder Basin National Grasslands, which owns the Vedauwoo Campground public water system, located in Albany County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria, failing to monitor for nitrate, failing to report certain violations to the public, and failing to report certain violations to the EPA.

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



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JUN 10 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Phil Cruz, Forest Supervisor
USDA Forest Service
Medicine Bow and Routt National Forests
and Thunder Basin National Grassland
2468 Jackson Street
Laramie, WY 82070-6535

Re: Administrative Order
Vedauwoo Campground
Public Water System
Docket No. **SDWA-08-2013-0033**
PWS ID #WY5680068

Dear Mr. Cruz:

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, Medicine Bow and Routt National Forests, as owner and/or operator of Vedauwoo Campground public water 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 updates to the numbers of connections and/or individuals served, etc.)

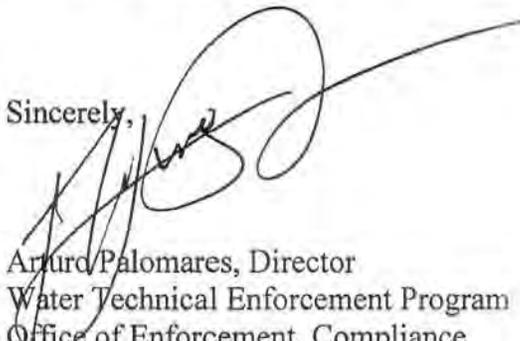
If the USDA Forest Service, Medicine Bow and Routt National Forests, complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties.

The Order requires the USDA Forest Service to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the 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 USDA Forest Service's attorneys should be directed to Mr. 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
Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ/DOH (via email)
Mary Sanderson, Recreation Planner, Medicine Bow and Routt National Forests (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2013 JUN 10 AM 8:41

IN THE MATTER OF:)

USDA Forest Service,)
Medicine Bow and Routt National Forests)
and Thunder Basin National Grasslands,)

Respondent)

Docket No. ~~SDWA-08-2013-10093~~

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 officials.
2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Medicine Bow and Routt National Forests and Thunder Basin National Grasslands Vedauwoo Campground Public Water System (System), which provides piped water to the public in Albany County, Wyoming, for human consumption. The System operates seasonally from May to September.
3. The System is supplied by three wells. The water is not treated.
4. The System has approximately 17 service connections and regularly serves at least 26 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 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. Respondent is required to monitor the System’s water during the 2nd (April – June) and 3rd (July – September) quarters for total coliform bacteria, collecting two samples each quarter. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System’s water for total coliform bacteria during the 3rd quarter of 2011, and only collected one of the required two samples for the 2nd quarter of 2008, and, therefore, violated this requirement.

8. Respondent is required to monitor the System's water annually for nitrate, collecting one sample for analysis at each entry point to the distribution system (sampling points SP01, SP02, and SP03). 40 C.F.R. § 141.23(a) and (d). While Respondent collected samples for nitrate analysis on May 22 and July 11, 2012, from sampling points SP02 and SP01, respectively, Respondent failed to monitor the System's water for nitrate during 2012 at sampling point SP03, and, therefore, violated this requirement.
9. 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 paragraph 7, above, and, therefore, violated this requirement. Note: public notice for the violation cited in paragraph 8, above, is due 12 months from the date of the violation.
10. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraph 7, above, to the EPA and, therefore, violated this requirement.
11. 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 violations cited in paragraph 8 and 9, 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):

12. Respondent shall monitor the System's water for total coliform bacteria during the second and third quarters by collecting two samples throughout the distribution system. If any sample is positive for total coliform, Respondent shall 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).
13. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate at all designated sampling/entry points shown on the System's schematic (attached). 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation, as required by 40 C.F.R. § 141.31(b).



14. Within 30 days of opening for the 2013 season, Respondent shall notify the public of the violations cited in paragraph 7, above, following the instructions included with the public notice templates provided to 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 to the EPA.

15. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

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

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

GENERAL PROVISIONS

17. 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 the EPA to forgo any civil or criminal action.

18. 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.

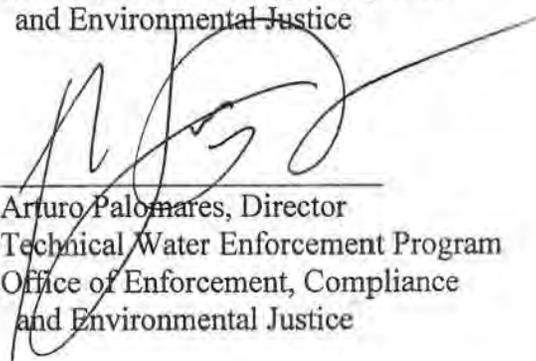


19. Respondent may seek federal judicial review of the Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: June 10, 2013.

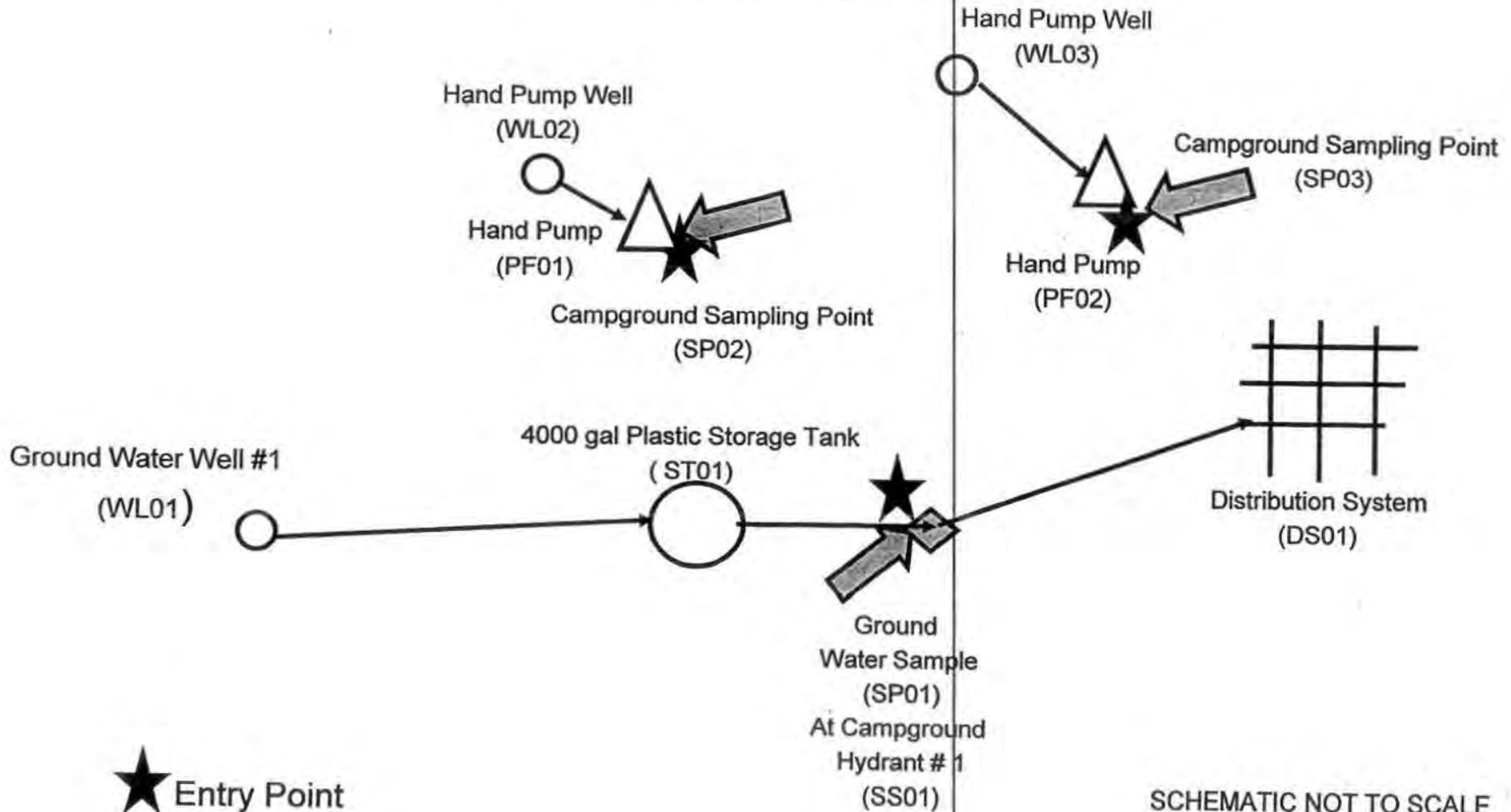
Margaret G. (Peggy) Livingston Acting for
James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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



Vedauwoo CG-Medicine Bow NF

PWS ID # 5680068 NC



★ Entry Point

Agreed to by
X _____
Date _____

Sample Points are for Nitrates.

SCHEMATIC NOT TO SCALE

4-24-2000

Aimee L. Majewski

Revised 9-21-00 C Lamb

Revised 7-7-03 C Lamb

Revised 11-13-08 C Lamb

Tier 3 Templates

Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following [40 CFR 141.204(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following [40 CFR 141.204(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do 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 for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

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

Please send copies of this public notice as posted and/or delivered to:

Mario E Mérida
U.S. EPA Region 8 (8ENF-W)
1595 Wynkoop
Denver, CO 80202-1129

Fax: 303-312-7518
Email: merida.mario@epa.gov

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

**Monitoring Requirements Not Met for Vedauwoo Campground public water system
(Medicine Bow National Forest)**

Our water system violated drinking water requirements over the past several years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are doing (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 an indicator of whether or not our drinking water meets health standards. During the 3rd quarter 2011 and 2nd quarter 2008 we did not monitor or test for total coliform bacteria, and during calendar year 2012 we did not complete all monitoring or testing for nitrate and therefore cannot be sure of the quality of your drinking water during that time.

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 last year, how often we are supposed to sample for these contaminants, 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 (or will be) taken.¹

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Total coliform bacteria	2 samples during each of the 2 nd and 3 rd quarters	0 1	3 rd Q 2011 2 nd Q 2008	6/4/2012 8/13/2008
Nitrate	1 sample from each of three sampling points annually	2	CY 2012	

What is being done?

[Describe corrective action.]

For more information, please contact Mary Sanderson at 307-745-2363 or 2468 Jackson St., Laramie, WY 82070.

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 Medicine Bow NF – Vedauwoo Campground system]. State Water System ID#: WY5680068. Date distributed: _____.
