



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

MAR 23 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Andy Schwartz, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Bridger-Teton National Forest –
Granite Creek Campground
PWS ID#5680137

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (the Act), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the Act.

An Administrative Order is being issued under Section 1414 of the Act to the USDA Forest Service, owner and Mr. Todd Seaton, operator of the Granite Creek Campground located in Bridger-Teton National Forest, Wyoming. This Order requires that the public water system take measures to return to compliance with the Act and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 Code of Federal Regulations (C.F.R.) §§ 141.63(a)(2), 141.63(b), 141.21(a), 141.21(b), 141.201, 141.21(g)(1), 141.21(g)(2) and 141.31(b) for: exceedance of maximum contaminant levels (MCL) for total coliform bacteria, exceedance of acute MCLs for total coliform bacteria, failure to monitor for total coliform bacteria, failure to take four repeat samples following a total coliform positive result, failure to provide public notice, and failure to notify EPA of above mentioned violations.

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 Kimberly Pardue Welch at (303) 312-6983.

Sincerely,



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

Enclosure
Administrative Order





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MAR 23 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Kniffy Hamilton, Forest Supervisor
USDA Forest Service Bridger-Teton National Forest
P.O. Box 1888
Jackson, WY 83001

Todd Seaton, Operator
Granite Creek Management, Inc.
P.O. Box 8075
Jackson, WY 83002

Re: Administrative Order
Granite Creek Campground
Docket No. **SDWA-08-2007-0040**
PWS ID # WY5680137

Dear Ms. Hamilton and Mr. Seaton:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f, *et seq.*, and its implementing regulations. Among other things, the Order finds that as owner and operator of the Granite Creek Campground Water System (the System), The USDA Forest Service (owner) and Mr. Todd Seaton (operator), are suppliers of water as defined by the Act and have violated the National Primary Drinking Water Regulations (NPDWR) at 40 Code of Federal Regulations (C.F.R.) §§ 141.63(a)(2), 141.63(b), 141.21(a), 141.21(b), 141.201, 141.21(g)(1), 141.21(g)(2) and 141.31(b) for: exceedance of maximum contaminant levels (MCL) for total coliform bacteria, exceedance of acute MCLs for total coliform bacteria, failure to monitor for total coliform bacteria, failure to take four repeat samples following a total coliform positive result, failure to provide public notice, and failure to notify EPA of above mentioned violations.

If the US Forest Service and Mr. Seaton (Respondent's) comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to an assessment of administrative penalties under section 1447 of the Act, 42 U.S.C. § 300j-6, or other action to the fullest extent permitted by law.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you wish to have an informal conference with EPA, you may also call or write Ms. Pardue Welch. If you are represented by an attorney or have legal questions, please call Thomas E. Sitz at the above 800 number, extension 6918, or at (303) 312-6918.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosure
Administrative Order
Public Notice

cc:
WYDEQ (via email)
WYDH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 MAR 23 AM 8:46

IN THE MATTER OF)
USDA Forest Service, owner)
and)
Mr. Todd Seaton, operator)
Bridger-Teton National Forest – Granite Creek)
Campground)
Teton County, Wyoming)
Respondent)
)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0040

The following Findings are made and Order 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 (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The United States Forest Service (Respondent) is a Federal Agency and Mr. Todd Seaton (Respondent) is a person and therefore are "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, Granite Creek Campground Water System, located in Teton County, Wyoming, for the provision to the public of piped water for human consumption.

3. The Granite Creek Campground Water System (the System) has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are "suppliers of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.
5. According to a June 16, 2004 Sanitary Survey, Respondents operate a system that is supplied solely by an improved spring source (artesian spring) which deposits directly into a spring box. The System serves approximately 150 persons daily through 15 service connections and is open annually June 1 – September 30.

FINDINGS OF VIOLATION

I

1. 40 C.F.R. § 141.63(a)(2) imposes and defines the maximum contaminant level (MCL) for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.

2. Monitoring results submitted by Respondents for the System during September 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II

1. 40 C.F.R. § 141.63(b) imposes and defines the acute 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.
2. Monitoring results submitted by Respondents for the System during August 2006 exceeded the acute MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(b). A Tier 1 Public Notice to boil the water before use was issued in response to this acute total coliform MCL.

III

1. 40 C.F.R. § 141.21(a) requires a non-community public water system to monitor its water at least once per quarter that the system serves water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63(a)(2).
2. Respondents failed to monitor the water for contamination by total coliform bacteria during the 3rd quarter 2005, in violation of 40 C.F.R. § 141.21(a).

IV

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.

2. Respondents failed to collect a set of repeat samples for the June 2003 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

V

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the NPDWR, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondents have not provided public notice of the violations outlined in sections I, II and IV, in violation of 40 C.F.R. § 141.201.

VI

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondents failed to report to EPA the total coliform MCL violations detailed in section I, in violation of 40 C.F.R. § 141.21(g)(1).

VII

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondents failed to report to EPA the noncompliance detailed in sections III and IV, in violation of 40 C.F.R. § 141.21(g)(2).

VIII

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA the noncompliance detailed in section V above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act,

IT IS ORDERED:

1. Upon the effective date of this Order, Respondents shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
2. Respondents shall, within 60 days of the date of this Order, begin submitting to EPA detailed plans for bringing the System into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 120 days from the date of this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence.
3. Additionally, the plan shall incorporate the recommendations contained in the System's June 16, 2004 Sanitary Survey and in the September 6, 2006 Ground

Water Under the Influence of Surface Water Assessment letter from EPA,
including:

- a) Collect at least two raw water samples from the spring to verify that surface water bio-indicators are not present in the spring water. These two samples shall be collected in the wet season when the spring is most susceptible to surface water influence (such as after a heavy rain or snow fall). If these results are inconclusive, a third sample during the dry season may be needed. Microscopic Particulate Analysis (MPA) testing results must be submitted to EPA for review within 15 days of receipt from your laboratory. This analysis shall be completed by the end of September 2007.
 - b) The collection box should have a watertight overlapping cover to prevent runoff and debris from entering the collection box.
 - c) The area surrounding the spring and collection box should be sloped to drain surface water away from the spring so that water does not pool.
 - d) Deep rooted vegetation should be removed from around the collection box to prevent a conduit for surface water to enter the spring.
 - e) The fence around the perimeter of the spring should be upgraded to prevent vandals and animals from impacting the spring.
 - f) A diversion ditch should be created to direct water away from the spring source and reduce the possibility of contamination.
4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

5. Within 90 days of the date of this Order, Respondents shall begin submitting to EPA monthly reports on the progress made towards bringing the System into compliance with the coliform bacteria MCL. Respondents shall notify EPA when all improvements have been completed.
6. Upon the effective date of this Order, Respondents shall comply with the requirements of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCL as stated in 40 C.F.R. § 141.63.
Respondents shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
7. Upon the effective date of this Order, Respondents shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondents take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondents shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

8. Within 30 days from the date Respondents commences operations in April 2007, Respondents must provide public notice of the violations specified under the Findings of Violation, sections I and IV, in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq., following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The System must repeat the notice every three months as long as the violation or situation persists.
9. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondents learns of the violation.

10. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.
11. Upon the effective date of this Order, except where noted in Sections 9 and 10 above, Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
12. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch
U.S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under section 1447 of the Act, 42 U.S.C. § 300j-6, or other action to the fullest extent permitted by law.
3. The effective date of this Order shall be its date of issuance.

Issued 23rd day of March, 2007.

Loie M. Ross acting for D. Janik

David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Skela for

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

