



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2012 JUL -2 AM 11:11

FILED  
EPA REGION VIII  
RECORDING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John Ruhs, District Manager  
BLM Wyoming High Desert District Office  
280 Highway 191 North  
Rock Springs, WY 82901

Re: Administrative Orders  
Fontenelle Creek Campground Water System  
Docket No. **SDWA-08-2012-0036**  
PWS ID #5601140  
Warren Bridge Campground Water System  
Docket No. **SDWA-08-2012-0037**  
PWS ID #5680147

Dear Mr. Ruhs:

Enclosed are two Administrative Orders (Orders) issued by the 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 Orders allege that the Bureau of Land Management (BLM) has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Orders are effective upon the date received. Please review the Orders and within 10 days provide the EPA with any information you believe the EPA may not have.

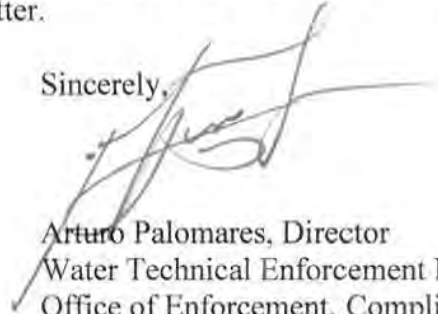
If the BLM complies with the Orders, the EPA may close the Orders without further action. Failure to comply with the Orders may lead to substantial civil penalties.

The Order requires the BLM 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 Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481, or (303) 312-6481. Any questions from an attorney representing the BLM should be directed to

Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.  
We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Orders (2)  
Public Notice Template

cc: Joseph Cantrell, BLM/High Desert District  
WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JUL 02 2012

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners  
c/o Wally J. Johnson, Chair  
80 W. Flaming Gorge Way, Suite 109  
Green River, WY 82935

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the Bureau  
of Land Management, Fontenelle Creek  
Campground Water Systems  
PWS ID #5601140

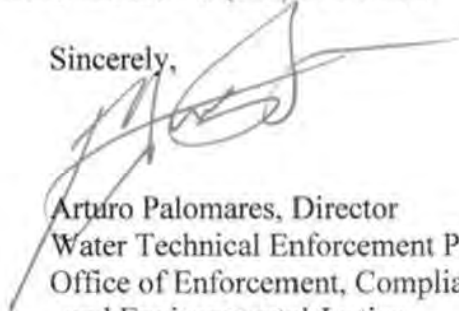
Dear Commissioners:

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

An Administrative Order is being issued to the Bureau of Land Management (BLM). This Order requires that the BLM take measures to return the Fontenelle Creek Campground public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failure to monitor for total coliform bacteria and nitrate; and failure to notify the public and the EPA of the violations.

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 Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2012 JUL -2 AM 11: 12

IN THE MATTER OF: )  
 )  
Bureau of Land Management, )  
 )  
Respondent. )

FILED  
EPA REGION 8  
HEARING CLERK  
Docket No. **SDWA-08-2012-0036**

**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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Bureau of Land Management (Respondent) is a Federal Agency that owns and/or operates the Fontenelle Creek Campground Water System (the System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of one well; the water is treated by sodium hypochlorite continuous disinfection. The system qualifies as a public water system seasonally from May-September.
4. The System has approximately 13 service connections and regularly serves an average of approximately 25 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).

**VIOLATIONS**

6. Respondent is required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System's water for nitrate during 2011 and, therefore, violated this requirement.
7. Respondent is required to monitor the System's water during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters 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> (April-June) quarter of 2010 and, therefore, violated this requirement.
8. 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 violation cited in paragraph 7, and, therefore, violated this requirement.

9. 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 6, above, to the EPA and, therefore, violated this requirement.

10. 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 violation listed in paragraph 7, 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):

11. 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 as required by 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 occurring, as required by 40 C.F.R. 141.31(b).

12. Respondent shall monitor the System's water during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters each year 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). Note: If a routine total coliform sample is positive for total coliform, within 24 hours of being notified of the positive result Respondent is also required to collect a "triggered sample" from the water source. This sample must be analyzed for fecal indicators (E. coli). 40 C.F.R. § 141.402. This source sample requirement is unrelated to violations of the regulations cited in this Order, and is provided only as an additional reminder.

13. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 6 and 7, above, following the instructions provided 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 certified copy of the notice to the EPA.

14. 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**

15. This Order shall 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.

16. 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: June 29, 2012



Matthew Cohn, Director  
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**  
**FONTENELLE CREEK CAMPGROUND**

**SOME DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2010 and 2011**

*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 2010 and 2011 we did not complete all monitoring or testing for nitrate and total coliform bacteria contamination and therefore cannot be sure of the quality of our 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, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

<b>Contaminant</b>	<b>Required sampling frequency</b>	<b>Number of samples taken</b>	<b>When all samples should have been taken</b>	<b>When samples were or will be taken</b>
Nitrate	annually	0	2011	2012
Total coliform	quarterly	0	2 <sup>nd</sup> quarter 2010	All subsequent required quarters

**What happened? What is being done?**

Will sample as required in future. Call Joe Cantrel at 307-352-0389 if you have questions.

*Please share this information with all the other people who drink this water. You can do this by posting this notice in a public place or distributing copies by hand or mail.*

**Certification**

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to:  
EPA 1595 Wynkoop Street, Attn: 8ENF-W Brainich, Denver, CO 80202

Dates posted from \_\_\_\_\_ to \_\_\_\_\_

Signature \_\_\_\_\_