



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pamela Brown, Forest Supervisor
Manti-La Sal National Forest
599 W. Price River Dr.
Price, UT 84501

Re: Administrative Order
Dalton Spring Campground Public
Water System
Docket No. SDWA-08-2010-0051
PWS ID # UTAH19017

Dear Ms. Brown:

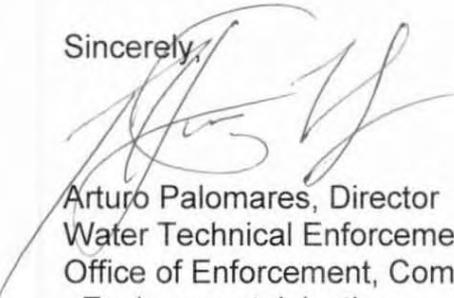
Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Among other things, the Order alleges that the USDA Forest Service, Manti-La Sal National Forest, has violated the National Primary 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 complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

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 Forest Service's attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

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

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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HEARING CLERK

IN THE MATTER OF:)

) Docket No. SDWA-08-2010-0051

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)
)
USDA Forest Service, Manti-La Sal)
National Forest,)

) ADMINISTRATIVE ORDER
)
)

)
)

Respondent.)

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 is federal agency that owns and/or operates the Dalton Springs Campground Water System (the system), which provides piped water to the public in San Juan County, Utah, for human consumption.

3. The system is supplied by a spring-fed storage tank. The water is not treated.

4. The system has approximately 9 service connections and/or regularly serves an average of approximately 50 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. The Utah Department of Environmental Quality has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

7. The Utah Department of Environmental Quality has primary enforcement authority for the public water system supervision provisions of the Act in the

State of Utah (the State). EPA issued a notice of the system's violations to the State on June 22, 2010. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the thirty-day time frame set forth in § 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

8. Respondent is required to monitor the system's water for total coliform bacteria during the 2nd (April – June) and 3rd (July – September) quarters of each year. 40 C.F.R. § 141.21(a)(2) Respondent failed to monitor during the 2nd quarter of 2008 and, therefore, violated this requirement.

9. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent most recently monitored the system's water for nitrate for 2010 on June 22, 2010, but failed to monitor the system's water for nitrate during 2006 and 2009, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any drinking water regulation to EPA or State 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 paragraphs 8 and 9 to EPA or the State 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. Respondent shall monitor the system's water for total coliform bacteria during the 2nd and 3rd quarters of each year, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA and the State within the first ten 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



total coliform monitoring requirements to EPA and the State within ten days after discovery, as required by 40 C.F.R. § 141.21(g)(2).

12. Respondent shall monitor the system's water for nitrate per the regulations. 40 C.F.R. § 141.23. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

13. Respondent shall report any violation of the drinking water regulations to EPA and the State 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.

14. Respondent shall direct all reporting required by this Order to:

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

AND

Patti Fauver, Rules Section
Manager
Utah Dept. of Environmental
Quality
P.O. Box 144830
Salt Lake City, UT 84114-4830

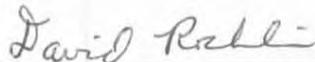
GENERAL PROVISIONS

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 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: August 2, 2010.



Michael T. Risner, Director
David Rochlin, 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

