



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

**SEP 29 2015**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John R. Erickson, Forest Service  
Ashley National Forest  
355 North Vernal Avenue  
Vernal, Utah 84078

Re: Administrative Order issued to the U.S. Department of Agriculture, Forest Service, for the Iron Springs Campground Public Water System, PWS ID# UTAH24016, Docket No. SDWA-08-2015-0038

Dear Mr. Erickson:

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 U.S. Department of Agriculture, Forest Service (Service), as owner and/or operator of the Iron Springs Campground public water system (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, public notice distributed, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties.

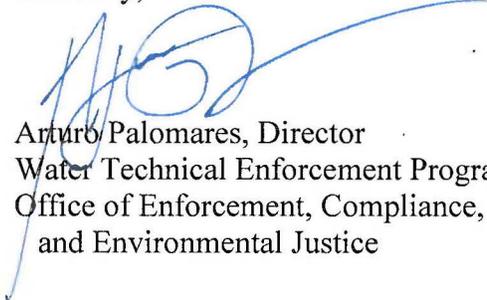
The Order requires you to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467, or by email at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov). Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above

address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or by email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov).

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

1. Order
2. Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UTDEQ Drinking Water Rule Section Manager (by email)  
Lance Valentine, Forest Engineer, Ashley National Forest (by email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2015 SEP 29 AM 8:47

IN THE MATTER OF: )  
 )  
 )  
U.S. Department of Agriculture, )  
Forest Service, )  
Ashley National Forest, )  
 )  
Respondent. )

Docket No. SDWA-08-2015-0038  
**FILED**  
**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 official.
2. The U.S. Department of Agriculture, Forest Service, Ashley National Forest (Respondent) is a Federal Agency that owns and/or operates the Iron Springs Campground Public Water System (System), which provides piped water to the public in Uintah County, Utah, for human consumption.
3. The System is supplied by a groundwater source accessed via 1 well and is not treated.
4. The System has approximately 1 service connection and/or regularly serves an average of approximately 75 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 Utah Department of Environmental Quality (State) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. The EPA issued a notice of Respondent’s violations to the State and to Respondent on August 10, 2015. The State elected not to commence an enforcement action against Respondent for the violations listed in that notification within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

**VIOLATIONS**

7. Respondent is required to monitor the System’s water quarterly 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 3<sup>rd</sup> (July – September) quarters of 2011 and 2012, and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water annually for nitrate, and report analytical results to the State within the first 10 days following the month in which sample results are received.



40 C.F.R. §§ 141.23(d) and 141.31(a). Respondent failed to monitor the System's water for nitrate during 2014, 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 violation cited in paragraphs 7 and 8, above, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any Drinking Water Regulation to the 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 7, 8 and 9, above, to 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): Note: Respondent notified the State on May 8, 2015, that the System is temporarily closed due to lack of water, and the System remains in that status.

11. Prior to opening to the public, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for total coliform bacteria during the 3<sup>rd</sup> (July – September) quarter of each year, as required by 40 C.F.R. § 141.21. Within the first 10 days following the month in which Respondent receives sample results, Respondent shall (a) report the results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. If Respondent violates any coliform monitoring requirement in 40 C.F.R. part 141, then, within 10 days after discovering the violation, Respondent shall (a) report this violation to the State, as required by 40 C.F.R. § 141.21(g)(2), and (b) provide the EPA with a copy of this notification.

12. Prior to opening to the public, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification.

13. Upon opening to the public, Respondent shall notify the public of the violations cited in paragraph 7 and 8, above. 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 State and the EPA.

14. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall, within 48 hours (a) report that violation to the State as required by 40 C.F.R. § 141.31(b), and (b) provide the EPA a copy of this notification. However, if the Drinking

Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the State and to the EPA within that different period.

15. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

16. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the State and the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

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

Olive Hofstader  
U.S. EPA Region 8 (ENF-W)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

AND

Patti Fauver, Rules Section Manager  
Utah Department of Environmental Quality  
Division of Drinking Water  
P.O. Box 144830  
Salt Lake City, Utah 84114-4830

### **GENERAL PROVISIONS**

18. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

19. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. §§ 300g-3; 300j-6; 300j-8; 40 C.F.R. part 19.

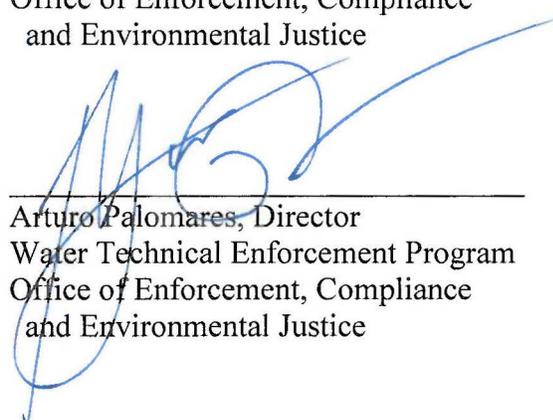
20. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 29, 2015.



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James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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

## Instructions for Monitoring Violation Notice - Non Community (Tier 3 – Coliform)

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (R309-220-7(2)). Multiple monitoring violations can be serious, check with the Division of Drinking Water (801-536-4200) to make sure you meet all the public notification requirements.

Non-community systems must use one of the following methods (R309-220-7(3)(b)):

- X Posting in conspicuous locations
- X Hand delivery
- X Mail

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method (R309-220-7(3)). Such methods could include newsletters, e-mail, or delivery to community organizations. The language to encourage distribution of the notice is included on this notice; however, if you post this notice, omit the mandatory language to encourage distribution, as it is not needed since posting makes the notice available to everyone who passes by.

You must post the notice until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (R309-220-7(2)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for an annual notice combining notification for several violations, as well as for notices for individual violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish.

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.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (R309-220-8(4)(b)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

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

- X 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.
- X 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.]
- X 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 the Division of Drinking Water (PO Box 144830, SLC, UT 84114-4830) 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 (R309-105-16(3)).

# DRINKING WATER NOTICE

## Monitoring requirements not met for [system]

We violated a drinking water standard. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

*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 [compliance period] we ['did not monitor' or 'did not complete all monitoring'] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.*

### What This Means

**There is nothing you need to do at this time.** The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for [it/them] and 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.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Coliform (example)	twice per month	1	July 1, July 15, August 1	July 1, August 1

### Steps We Are Taking

[Describe corrective action.] For more information, please contact [name of contact] of [system] at [phone number] or [location/address].

*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.*

State Water System ID#: \_\_\_\_\_ Date distributed: