



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2019 AUG 21 PM 3:14

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EPA REGION VIII  
HEARING CLERK

AUG 21 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Rob Hoelscher, District Ranger  
Bridger-Teton National Forest - Big Piney Administration Site  
29 East Freemont Lake Road  
P.O. Box 220  
Pinedale, Wyoming 82941

Re: Administrative Order issued to United States Forest Service regarding Bridger-Teton National Forest - Big Piney Administration Site Public Water System, PWS ID # WY5680258, Docket No. **SDWA-08-2019-0039**

Dear Mr. Hoelscher:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 United States Forest Service (Agency), as owner and/or operator of the Bridger-Teton National Forest Big Piney Administration Site Public Water System (System), has violated the National Primary Drinking Water Regulation (Drinking Water Regulation) at 40 C.F.R. part 141. The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with the Drinking Water Regulation.

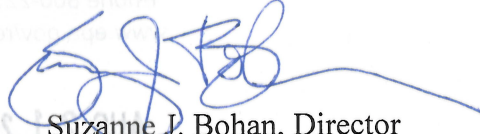
The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Agency believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Agency, the EPA will assume this information is correct.

If the Agency complies 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.

If you have any questions or to request an informal conference with the EPA, please contact Christina Carballal via email at [Carballal-Broome.Christina@epa.gov](mailto:Carballal-Broome.Christina@epa.gov), or by phone at (800) 227-8917, extension 6046, or (303) 312-6046. Any questions from the Agency's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at [Bearley.Mia@epa.gov](mailto: Bearley.Mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: WY DEQ/DOH (via email)  
Sublette County Commissioners  
Tricia O'Connor, Forest Supervisor  
Rob Hoelscher, District Ranger  
Don Kranendonk, District Ranger  
Mike Greer, Engine Captain  
Mike Oltman, Civil Engineer  
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF: )

) Docket No. **SDWA-08-2019-0039**

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USDA Forest Service )

) **ADMINISTRATIVE ORDER**

Bridger-Teton National Forest )

Big Piney Administration Site )

PWS ID# WY5680258 )

Respondent. )

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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 USDA Forest Service (Respondent) is a Federal Agency that owns and operates the Bridger-Teton National Forest Big Piney Administration Site Public Water System (System), which provides piped water to the public in Sublette County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source accessed via one well. The water is untreated. Three 119-gallon pressure tanks, located in a utility building, maintain system pressure and provide storage. Chlorination equipment is connected to the System but is not currently in use.

4. The System has approximately six service connections and regularly serves an average of approximately 30 of the same individuals daily for at least six months out of the year and a transient population of approximately 15 people per day. 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 “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.

5. Respondent is subject to the Act and 40 C.F.R. part 141 (Drinking Water Regulation). The Drinking Water Regulation is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The Drinking Water Regulation includes 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 annually for nitrate at every entry point to the distribution system that is representative of each well after treatment. 40 C.F.R. §§141.23(a) and (d). Respondent failed to monitor the System’s water for nitrate during 2018 and, therefore, violated this requirement. Respondent sampled the System’s water for nitrate on March 27, 2019. The next nitrate sample will be due in 2020.

8. Respondent is required to monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System’s water for total coliform bacteria during July, September, October and December 2018 and January 2019 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 Regulation specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraph 7 above, to the EPA and, therefore, violated this requirement.

10. Respondent is required to report to the EPA any failure to comply with the coliform monitoring requirement within 10 days after discovering the violation. 40 C.F.R. § 141.861(a). Respondent failed to report the violations cited in paragraph 8, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

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 annually for nitrate, in accordance with 40 C.F.R. § 141.23(a) and (d). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

12. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first ten days following the end of the System's required monitoring period. See, 40 C.F.R. § 141.31(a).

13. Respondent shall report any violation of the Drinking Water Regulation 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 Regulation, Respondent shall report within that different period.

14. Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4), and notify the public in accordance with subpart Q.

15. Respondent is ordered to comply with all provisions of the Act and the Drinking Water Regulation, including but not limited to each requirement cited above.

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, within 10 days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.

17. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov and carballal-broome.christina@epa.gov

**GENERAL PROVISIONS**

18. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulation. 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 may subject Respondent to a civil administrative penalty of up to \$39,936 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3)(A); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).

Issued: Aug. 21, 2019.

  
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Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division