



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUL 26 2016

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank Romero, Forest Supervisor
USDA Forest Service
Medicine Bow-Routt National Forests
and Thunder Basin National Grassland
2468 Jackson Street
Laramie, Wyoming 82070-6535

RE: Emergency Administrative Order under SDWA Section 1431, Vedauwoo Campground
Public Water System, PWS ID #5680068, Docket No. **SDWA-08-2016-0016**

Dear Mr. Romero:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the USDA Forest Service, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Vedauwoo Campground Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on notification from the Wyoming Department of Agriculture Analytical Services Lab that five samples from the System have been analyzed as *E. coli* positive.

Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System based on the EPA's primary enforcement responsibility under the Act.

The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part: providing an alternate source of water; issuing a Boil Order and public notice until notified by EPA to discontinue; disinfecting and flushing the system; and taking additional total coliform bacteria samples. The penalties for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Jill Minter at (800) 227-8917 extension 6084 or 303-312-6084, or by email at minter.jill@epa.gov. Any questions from counsel for the USDA Forest Service, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, should be directed to Peggy Livingston, Enforcement Attorney, at the above 800 number, extension 6858, or at (303) 312-6858, or by email at livingston.peggy@epa.gov.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Arturo Palomares". The signature is written in a cursive style with a small "ten" at the end.

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

Enclosures

Emergency Administrative Order

cc: Ms. Missy Haniewicz, EPA Regional Hearing Clerk
WY DEQ/DOH (via email)
Mr. Ted Benson, Medicine Bow-Routt National Forests (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2016 JUL 26 PM 2: 17

IN THE MATTER OF)
)
USDA Forest Service,)
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Medicine Bow-Routt National)
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Forests and Thunder Basin)
)
National Grasslands)
)
PWS ID 5680068)
)
Respondent.)
_____)

Docket No. **SDWA-08-2016-0016**

FILED
EPA REGION VIII
HEARING CLERK

EMERGENCY ADMINISTRATIVE ORDER

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$21,500 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), when certain conditions exist which may present an imminent and substantial endangerment to the health of humans, and other state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The USDA Forest Service, Medicine Bow-Routt National Forests and Thunder Bay National Grasslands (Respondent) is a federal agency and therefore a “person” as that term is defined in the Act. 42 U.S.C. § 300f (12). (“USDA” stands for the United States Department of Agriculture.)
5. Respondent owns and/or operates the Vedauwoo Campground Public Water System (System) located in Albany County, Wyoming, which provides water to the public for human consumption through pipes or other constructed conveyances.
6. The System is supplied by a ground water source accessed via two wells with no treatment or continuous disinfection provided. One of the two wells has been temporarily taken out of service. Water from the one well that is currently active is accessed by a hand pump and therefore serves as both the source water sample location and the distribution sample location.
7. The System has approximately 20 service connections and/or regularly serves at least 26 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.

8. Prior to issuing this Order, the EPA consulted with the System and State and/or local governmental authorities to confirm the facts stated in this Order and to confirm that State and local governments are unable to act to protect public health in this instance.
9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraph 10, below. The EPA has determined that this Order is necessary to protect public health.
10. *E. coli* are bacteria whose presence indicates that the water may have been contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
11. On July 20, 2016, Respondent notified the EPA that one routine bacteriological sample collected on July 18, 2016, was analyzed as positive for total coliform and *E. coli*. On July 21, 2016, the Respondent was notified that three repeat bacteriological samples and a source water sample, collected on July 20, 2016, at the System's hand pump, tested positive for total coliform and *E. coli* bacteria.
12. A violation of the maximum contaminant level (MCL) for *E. coli* occurs if a system has an *E. coli* routine sample followed by *E. coli* repeat samples. These circumstances have occurred at the System, as set forth in paragraph 11, above, and, therefore, the Respondent has violated the *E. coli* MCL. 40 C.F.R. § 141.860.
13. The EPA has been advised that the Respondent removed the handle to the hand pump on July 20, 2016, rendering the pump inoperable. On July 22, 2016, the EPA provided the Respondent with a public notice template for a boil water advisory, and the System notified persons served by the System of the contamination on July 22, 2016.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

15. Upon receipt of this Order, Respondent shall notify the public of the problem described in this Order and distribute a boil water advisory to the System's users. Directions on the required content for the public notice and advisory are included in the public notice template the

EPA emailed Respondent on July 22, 2016. Respondent shall submit a copy of the notice to the EPA within 24 hours of its distribution. Respondent shall continue the public notice until the EPA provides written notification that Respondent may discontinue public notice. Respondent must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.

ALTERNATE WATER SUPPLY

16. Upon receipt of this Order, using the public notice required in paragraph 15, above, Respondent shall notify all persons served by the System that an alternate potable water supply is available. Respondent shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the System until Respondent receives written notification from the EPA that it may discontinue providing an alternate water supply. Respondent may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of 40 C.F.R. part 141. Any alternate water supply shall be made available at no cost to all users of the System as needed for drinking, cooking, personal hygiene, and hand washing until water service is restored to users of the System.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Once the source of contamination has been identified and corrective action is completed, Respondent shall flush and disinfect the System.

18. Within 24 hours after flushing and disinfecting the System as required by paragraph 17, above, Respondent shall collect consecutive daily (one sample per day) special purpose samples (defined in 40 C.F.R. § 141.853(b)) from the System. Respondent shall ensure that each sample is analyzed for total coliform and *E.coli*.

19. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) to determine compliance with the Revised Total Coliform Rule as stated in 40 C.F.R. § 141.860.

20. After Respondent receives written notification from the EPA that it may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.854(f).

21. Respondent shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141, including, but not limited to the requirements in 40 § C.F.R. 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E.coli* positive, within 24 hours of being notified of the positive sample, Respondent shall consult with the EPA for further compliance requirements. Depending on the results of the

bacteriological monitoring, Respondent may be required to conduct a Level 1 or Level 2 assessment.

22. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the system according to the Sample Siting Plan submitted to EPA by the Respondent. Additionally, Respondent shall report all sampling results to the EPA by telephone, email or fax immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.

23. The EPA may require Respondent to increase total coliform sampling at any time while this Order is in effect.

COMPLIANCE AND CORRECTIVE MEASURES

24. In the case of an *E. coli* MCL violation, the Respondent must comply with 40 C.F.R. § 141.859.

25. Respondent met with an EPA representative and conducted a Level 2 assessment on July 24, 2016. The Level 2 assessment form must be submitted to the EPA within 15 days of the effective date of this Order and must describe the sanitary defects detected and corrective actions completed to address the cause of contamination.

26. Within 15 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines actions taken or to be taken that will ensure that there is no future *E. coli* contamination at the System. The plan shall identify the cause of the contamination, if possible, and describe any corrective actions, including but not limited to correcting sanitary defects identified in the Level 2 assessment, to prevent a recurrence of contamination in the System. If applicable, the plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific milestone dates and a final completion date (to be within three months from the date of EPA's approval of the plan). The schedule must be approved by the EPA before construction or modifications may commence. The EPA's approval of Respondent's schedule does not substitute for any State of Wyoming approval of plans and specifications (engineering plans) that may also be required before modifications can be made to the System.

27. The schedule required by paragraph 26, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. The EPA may incorporate the above required schedule into a new administrative order. If implementation of the plan fails to correct and/or prevent *E. coli* contamination, the EPA may order further steps.

REPORTING

28. Respondent must give daily updates to the EPA on progress of flushing and disinfecting the System, monitoring for total coliform, as well as scheduling Level 2 assessment with

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Medicine Bow-Routt National Forests and Thunder Basin National Grasslands
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EPA-approved third party, as applicable. Updates must be submitted to the EPA until the EPA provides written notification to the Respondent that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

29. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Jill Minter, 8ENF-W
US Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129
Telephone (800)227-8917, ext. 6084, or (303) 312-6084
Fax (303) 312-7518
e-mail: minter.jill@epa.gov

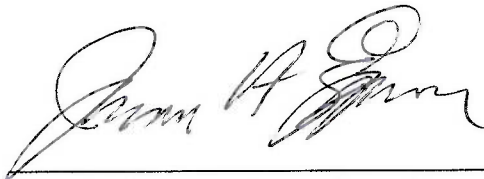
30. This Order does not relieve Respondent from complying with any applicable federal, state, or local law.

31. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).

32. Issued and effective this 26th day of July, 2016.



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



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