



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2017 SEP 20 PM 2:42

FILED  
EPA REGION VIII  
HEARING CLERK

SEP 20 2017

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Melanie Fullman, Forest Supervisor  
Brush Creek/Hayden Ranger District  
USDA Forest Service  
Medicine Bow-Routt National Forests  
and Thunder Basin National Grassland  
2171 Highway 130  
P.O. Box 249  
Saratoga, Wyoming 82331

RE: Administrative Order regarding Lower South Brush Creek Campground Public Water System, PWS ID #5680054, Docket No. **SDWA-08-2017-0034**

Dear Ms. Fullman:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 USDA Forest Service, Medicine Bow-Routt National Forests and Thunder Basin National Grassland (Forest Service), as owner and/or operator of the Lower South Brush Creek Campground Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

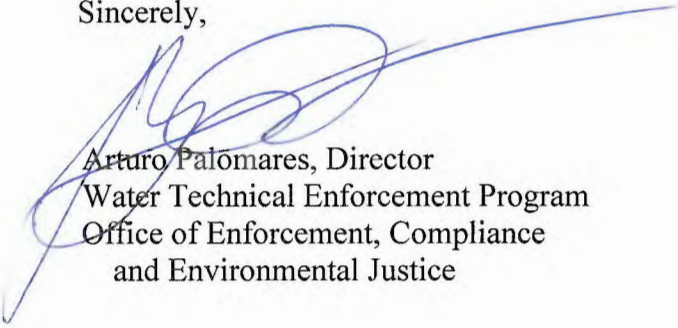
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the Forest Service believes the EPA may not have (for example, monitoring that may have been done but not submitted). If the EPA does not hear from the Forest Service, the EPA will assume the information in the Order is correct.

If the Forest Service 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.

To submit information or to request an informal conference with the EPA, please contact Jill Minter at (800) 227-8917 extension 6084 or 303-312-6084, or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov). Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, 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

Enclosure

cc: WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk



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Ref: 8ENF-W-SDW

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Carbon County Commissioners  
c/o John Johnson, Chair  
P.O. Box 6  
Rawlins, Wyoming 82301

Re: Notice of Safe Drinking Water Act Enforcement Action regarding Medicine Bow-Routt National Forests and Thunder Basin Grassland, Lower South Brush Creek Campground Public Water System, PWS ID #5680054 **Docket No. : SDWA-08-2017-0034**

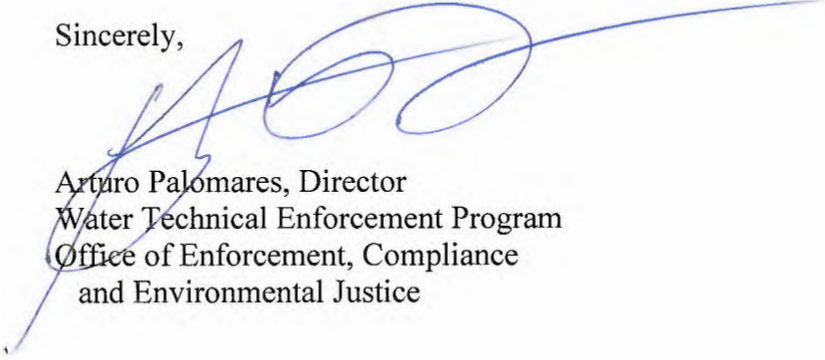
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the Medicine Bow-Routt National Forests and Thunder Basin National Grassland (Forest Service), as owners and/or operators of the Lower South Brush Creek Campground Public Water System, located in Carbon County, Wyoming, directing the Forest Service to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to demonstrate completion of and certify compliance with the start-up procedure, failure to monitor for total coliform, and failure to notify 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 Jill Minter at (303) 312-6084.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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EPA REGION VIII  
HEARING ROOM

IN THE MATTER OF: )  
 )  
USDA Forest Service, )  
Medicine Bow-Routt National Forests )  
and Thunder Basin National Grassland, )  
(Lower South Brush Creek Campground )  
 )  
Respondent. )

Docket No. SDWA-08-2017-0034

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 officials.
2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Medicine Bow-Routt National Forests and Thunder Basin Grassland Lower South Brush Creek Campground Public Water System (System), which provides piped water to the public in Carbon County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated. The System operates seasonally from June through August.
4. The System has 1 service connection and regularly serves an average of approximately 40 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 Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondent is required each year to demonstrate completion of an EPA-approved start-up procedure, which may include sampling, prior to serving water to the public and to certify compliance with the EPA-approved start-up procedure. 40 C.F.R. §§ 141.854(i)(1) and 141.861(a)(5). Respondent failed to demonstrate completion and certification of the EPA-approved start up procedure prior to serving water to the public in 2016 and, therefore, violated this requirement.

8. Respondent is required to monitor the System's water monthly for total coliform bacteria during the months the System serves water to the public. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during June and July 2016, 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 violations cited in paragraph 7, 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. § 141.861(a)(4). Respondent failed to report the violations cited in paragraph 8, above, to 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. Respondent, each year prior to serving water to the public, shall (a) demonstrate completion of the EPA-approved start-up procedure, as required by 40 C.F.R. § 141.854(i)(1), and (b) certify compliance with the EPA-approved start-up procedure, as required by 40 C.F.R. § 141.861(a)(5), by using the Seasonal Start-up Checklist and submitting a signed certified copy of the checklist to the EPA. The checklist can be found at:  
[https://www.epa.gov/sites/production/files/201412/documents/rtrc\\_seasonal\\_startup\\_checklist.pdf](https://www.epa.gov/sites/production/files/201412/documents/rtrc_seasonal_startup_checklist.pdf).

12. Respondent shall monitor the System's water monthly for total coliform bacteria during the months the System serves water to the public. 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 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 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

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

14. If the population served by the System at least 60 days of the year falls below 25 individuals, Respondent shall notify the EPA in writing within 10 days by completing the basic information form available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

15. This Order shall be binding on Respondent, its successors and assigns, 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 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 to the EPA via email at [R8DWU@epa.gov](mailto:R8DWU@epa.gov) or fax at (877) 876-9101.

#### **GENERAL PROVISIONS**

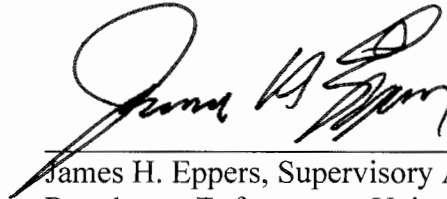
18. This Order shall not constitute a waiver, suspension or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

19. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil administrative penalty of up to \$38,175 per day of violation (as adjusted for inflation). 42 U.S.C. §§ 300g-3, 300j-6, 300j-8, 40 C.F.R. part 19, 82 Fed. Reg. 3633 (January 12, 2017).

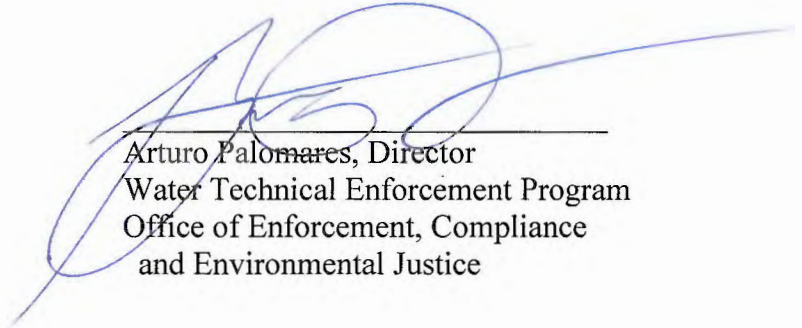


20. This Order is effective upon receipt by Respondent and will continue to be in effect until  
closed by the EPA.

Issued: September 20th, 2017.



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



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