



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

AUG 17 2015

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. David Whittekiend, Supervisor  
Uinta-Wasatch-Cache National Forest  
USDA Forest Service  
857 West South Jordan Parkway  
South Jordan, Utah 84095-8594

Re: Administrative Orders issued to the USDA Forest Service for the Shady Dell-Soapstone Campground Public Water System, PWS ID #UTAH22050, Docket No. SDWA-08-2015-0018, and Tanners Flat Campground Public Water System, PWS ID#UTAH18070, Docket No. SDWA-08-2015-0019

Dear Mr. Whittekiend:

Enclosed are Administrative Orders (Orders) issued by the United States 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 Orders allege that the USDA Forest Service, Uinta-Wasatch-Cache National Forest (Forest Service), as owner and/or operator of both the Shady Dell-Soapstone Campground and Tanners Flat Campground public water systems, has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Orders are effective upon the date received. Please review the Orders 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, any updates to the number of service connections and/or individuals served, etc.). If the EPA does not hear from you, the EPA will assume the information included in these Orders is correct.

If the Forest Service complies with the Orders, the EPA may close the Orders without further action. Failure to comply with the Orders may lead to substantial civil penalties.

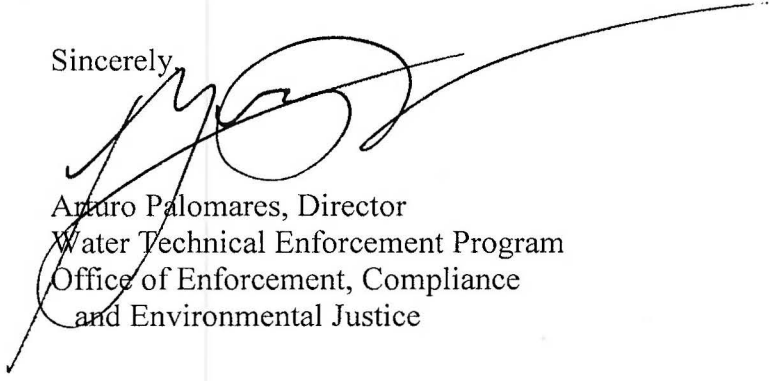
The Orders require the Forest Service to notify the public of having violated the Drinking Water Regulations (at the Shady Dell-Soapstone Campground). Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Mario Mérida, at the above address (with the mailcode 8ENF-W), by phone at (800) 227-8917, extension 6297, or (303) 312-6297, or by email at

merida.mario@epa.gov. Any questions from the Forest Service's attorneys should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or by email at 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:

Order  
Public Notice Template

cc:

Jennifer Yee, UT DEQ Division of Drinking Water (via email)  
Steven O'Neil, Acting Forest Engineer, Uinta-Wasatch-Cache National Forest (via email)  
Tina Artemis, EPA Regional Hearing Clerk



9. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System's water within 24 hours of being notified of a result that was positive for total coliform during July 2014, and, therefore, violated this requirement.

10. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform during July of 2014, Respondent failed to take at least five routine samples of the System's water in August of 2014. After the System's water tested positive for total coliform during August of 2014, Respondent also failed to take at least five routine samples of the System's water in September of 2014, and, therefore, violated this requirement.

11. Respondent is required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. 40 C.F.R. § 141.402. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator (i.e. E. coli). Respondent was notified in July of 2014 that a routine sample [collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)] was positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402.

### **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):

12. Respondent shall comply with the total coliform MCL.

13. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent, by the end of the next business day after learning of the violation, shall (a) report this violation to the State, as required by 40 C.F.R. § 141.21(g)(1), and (b) provide the EPA with a copy of this notification.

14. Respondent shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. 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.

15. Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the State, Respondent shall specify that it is a triggered source water sample.



16. 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.
17. 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.
18. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
19. 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.
20. Respondent shall send all reporting and notifications required by this Order in writing to:

Mario Mérida (8ENF-W)  
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop St.  
Denver, Colorado 80202-1129

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

### **GENERAL PROVISIONS**

21. 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.
22. 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



USDA Uinta-Wasatch-Cache National Forest, Respondent  
Tanners Flat Campground Public Water System  
Page 4 of 4

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.

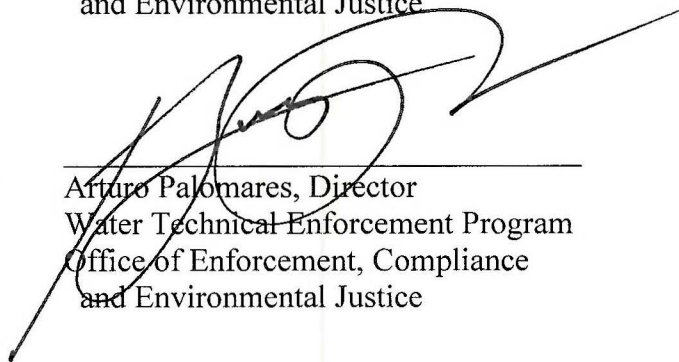
23. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).

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

Issued: August, 2015.



James H. Eppers, 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



## **Template on Reverse**

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### **Mandatory Language**

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

### **After Issuing the Notice**

Make sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.

## **DRINKING WATER NOTICE**

### **[System] Failed to [Correct a Significant Deficiency/Address a Fecal Indicator-Positive Source Sample] Within Required Time Frame**

Our water system [give system name] was required to take action to [correct a significant deficiency/address a fecal-indicator positive source sample] by [give date]. However, we failed to take action by the required date.

#### **What This Means**

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply.

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\** These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**You may drink the water.** However, if you have specific health concerns, consult your doctor.

If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

#### **Steps We Are Taking**

[Describe corrective action.] We expect to have the [significant deficiency/source of fecal contamination] corrected by [give date].

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.\**

This notice is being sent to you by [system]. State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.