



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

AUG - 5 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph (Joe) Alexander, Supervisor
Shoshone National Forest
USDA Forest Service
808 Meadow Lane Avenue
Cody, Wyoming 82414

Re: Administrative Order issued to the USDA Forest Service for Sinks Canyon Campground
Public Water System, PWS ID #WY5680251, Docket No. **SDWA-08-2015-0033**

Dear Mr. Alexander:

Enclosed is an Administrative Order (Order) 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 Order alleges that the USDA Forest Service, Shoshone National Forest (Forest Service), as owner and/or operator of the Sinks Canyon Campground public water system, has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

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, 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 this 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 penalties.

The Order requires the Forest Service 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 Mario Mérida, at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297, or (303) 312-6297. Any questions

from the Forest Service's 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.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arturo Palomares", with a stylized flourish at the end.

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

Enclosures:

Order
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Scott Berkenfield, Resource Specialist, Shoshone National Forest (via email)
Steve Faerber, concessionaire, Sinks Canyon Campground (via email)



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AUG - 5 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fremont County Commissioners
c/o Douglas L. Thompson, Chairman
450 North 2nd Street
Lander, Wyoming 82520

Re: Notice of Safe Drinking Water Act Enforcement Action against the Sinks Canyon
Campground Public Water System, PWS ID # WY5680251

Dear Commissioners:

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

An Administrative Order (Order) is being issued to the USDA Forest Service, Shoshone National Forest, which owns the Sinks Canyon Campground Public Water System, located in Fremont County, WY, directing it to comply with the National Primary Drinking Water Regulations. The public water system is operated by a concessionaire, under permit from the USDA Forest Service; the concessionaire is being copied on the Administrative Order. The violations alleged in the Order include: failing to monitor for nitrate, failing to monitor for total coliform bacteria, failing to notify the public of certain violations, and failing to report certain violations to the EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares", is written over a horizontal line.

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

Enclosure:

Administrative Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 AUG -5 AM 8:34

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

) Docket No. **SDWA-08-2015-0033**

USDA Forest Service,)
Shoshone National Forest,)

) **ADMINISTRATIVE ORDER**

Respondent.)

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, Shoshone National Forest (Respondent), is a federal agency that owns and/or operates the Sinks Canyon Campground Public Water System (System), which provides piped water to the public in Fremont County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source consisting of 1 well; the water is not treated.
4. The System has approximately 1 service connection and/or regularly serves an average of approximately 25 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 to monitor the System’s water, collecting one sample during the third quarter (July to September), 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 third quarter of 2012 and the third quarter of 2010, and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the System’s water for nitrate during calendar year 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 violations

cited in paragraph 7, above, and, therefore, violated this requirement. (Public notice for the violation cited in paragraph 8 is due one year from the date violation.)

10. 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 paragraphs 8 and 9, above, to the 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 shall monitor the System's water for total coliform bacteria during the third quarter (July to September) and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report 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 in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

12. Within 24 hours of being notified that a routine total coliform monitoring result is positive for total coliform, Respondent will also be required to conduct source water monitoring as required by 40 C.F.R. § 141.402. This requirement is unrelated to the violations cited in this Order and is mentioned as an additional reminder to Respondent.

13. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

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

15. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 7, above, following the instructions provided with the public notice templates enclosed with this Order. A template is also included for public notice for the violation cited in



paragraph 8, although public notice is not due for that violation until one year from the date of violation. 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 EPA.

16. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, Respondent shall notify the EPA in writing within 10 days.

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

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

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

GENERAL PROVISIONS

19. 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.

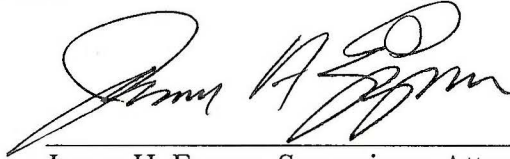
20. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$32,500 per day of violation (as adjusted for inflation). Violation of the Act or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$32,500 per day per violation (as adjusted for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

21. 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).



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

Issued: Aug. 5, 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

