



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2019 AUG 21 PM 3: 20

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EPA REGION VIII  
HEARING CLERK

AUG 21 2019

Ref: 8ENF-W-SD

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

USDA Forest Service, Bridger-Teton National Forest  
Tricia O'Connor, Forest Supervisor  
P.O. Box 1888  
Jackson, Wyoming 83001

Re: Administrative Order issued to Bridger-Teton National Forest regarding the Blackrock Work Center Public Water System, PWS ID #5680211, Docket No. **SDWA-08-2019-0040**

Dear Ms. O'Connor:

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 USDA Forest Service, Bridger-Teton National Forest, as owner and/or operator of the Blackrock Work Center 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 Bridger-Teton National Forest 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 Bridger-Teton National Forest, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to civil administrative penalties.

If you have any questions or to request an informal conference with the EPA, please contact Jill Minter via email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov), or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the National Forest'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

Enclosures

cc: WY DEQ/DOH (via email)  
Teton County Commissioners (mnewcomb@tetonwyo.org)  
Melissa Haniewicz, EPA Regional Hearing Clerk  
Tricia O'Connor, Bridger-Teton National Forest Supervisor (r4\_b-t\_info@fs.fed.us)  
Todd Stiles, Bridger-Teton National Forest District Ranger (tstiles01@fs.fed.us)  
Steve Koob, Blackrock Ranger Station (skoob@fs.fed.us)  
Michael Oltman, USFS Civil Engineer (moltman@fs.fed.us)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF: )

USDA Forest Service )  
Bridger-Teton National Forest )  
Blackrock Work Center )  
PWS ID WY5680211 )

Respondent. )

) Docket No. **SDWA-08-2019-0040**

) **ADMINISTRATIVE ORDER**

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HEARING CLERK

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's Blackrock Work Center Public Water System (System), which provides piped water to the public in Teton County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated.
4. The System has approximately 23 service connections and/or 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 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 which 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 2017 and 2018 and therefore violated this requirement.
8. 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. The System has not notified the EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses. Respondent must sample each ground water source, and have it analyzed for a fecal indicator (e.g. *E. coli*). Respondent failed to monitor the System's source for a fecal indicator within 24 hours after a sample taken on November 13, 2017, was analyzed as total coliform positive and therefore violated this requirement. 40 C.F.R. § 141.402.

9. 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 August 2017, October 2017 and January 2018 and, therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations no later than 1 year after the System learns of the violation (Tier 3) and, within 10 days after completing public notice, provide a certified copy of the public notice to the EPA. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraph 7, 8, and 9 above, or failed to submit a copy to the EPA, and, therefore, violated this requirement.

11. 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 paragraphs 7, 8 and 10 above, to the EPA and, therefore, violated this requirement.

12. 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 9, 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):

13. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulation thereafter, Respondent shall monitor the System's water 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).

14. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its ground water source and have it analyzed for a fecal indicator (e.g. *E. coli*). If the sample is positive, Respondent shall notify the EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, 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, Respondent shall specify that it is a triggered source water sample. 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).

15. 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).

16. Within 30 days after receipt of this Order, Respondent shall notify the public of the 2017 and 2018 failure to monitor for nitrate violations, 2017 and 2018 failure to monitor for total coliform bacteria violations, and the 2016 failure to collect a groundwater source sample violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 days after providing public notice, Respondent shall submit a certified copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulation, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.

17. 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.

18. 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).

19. 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.

20. 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 ten 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.

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

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [Minter.Jill@epa.gov](mailto:Minter.Jill@epa.gov)

### **GENERAL PROVISIONS**

22. 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.

23. Violation of any part of this Order, the Act, or the Drinking Water Regulation may subject Respondent to a civil penalty of up to \$39,936 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 84 Fed. Reg. at 2059 (February 6, 2019).

USDA Forest Service, Bridger-Teton National Forest  
Blackrock Work Center Water System  
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24. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: Aug. 21, 2019.



Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division

## DRINKING WATER NOTICE

### Monitoring Requirements Not Met for [System]

We violated a drinking water requirement. Even though this is not an emergency, as our customers, you have the right to know what happened and what we are doing to correct this situation.

*\*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we [‘did not monitor’ or ‘did not complete all monitoring’] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.\**

#### What This Means

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample (frequency) and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were (or will be) taken
Coliform (example)	Two samples per month	1	July 1, July 15, August 1	July 1, August 1

#### Steps We Are Taking

[Describe corrective action.]

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: \_\_\_\_\_.

## Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your state may have more stringent requirements. Check with your state to make sure you meet its requirements.

Noncommunity water systems must use one of the following methods [40 CFR 141.204(c)]:

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

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)].

You must post the notice until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, you should print your notice on your system's letterhead, if available.

The template on the reverse is appropriate for use as an annual notice combining notification for several violations, as well as for notices for individual violations. This template presents violations in a table; however, you may write out an explanation for each violation if you wish.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all required PN elements and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics and 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 Actions

In your notice describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own text:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Be 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)].



# PUBLIC NOTICE

Date of Release: \_\_\_\_\_ PWS Number: \_\_\_\_\_

## FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All \_\_\_\_\_ Water Users  
*(Name of water system/business)*

*We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During \_\_\_\_\_ we did not complete all monitoring for total coliform (compliance period) bacteria and therefore cannot be sure of the quality of our drinking water during that time.*

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?

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If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.  
*(Water system contact person) (Phone)*

*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.*

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.  
You may use the above notice sample or write your own but the text in italics must be included in any notification.



## EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

### Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to "What You Need to Do Next with Monitoring Requirements" which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

**When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible!** This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10<sup>th</sup> of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: [r8dwu@epa.gov](mailto:r8dwu@epa.gov) or faxed to: 1-877-876-9101

**Where to Sample** – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

**Surface Water Treatment Rule** – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

**Drinking Water Online** - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

**Drinking Water Watch** - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwizr8.epa.gov/Region8DWWPUB/default.jsp>

**Emergencies (After Hours)** - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.