



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

JAN 13 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Robert L. Rolston, Chairman
224 S. Main Street, Suite B1
Second Floor of Courthouse Addition
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Enforcement
Action against Bighorn National Forest,
Shell Falls Interpretive Site
PWS ID # WY5680008

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Bighorn National Forest – Shell Falls Interpretive Site, located in Sheridan County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for total coliform bacteria; and failure to report analytical results for total coliform bacteria.

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 "Darcy O'Connor".

Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order



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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William T. Bass, Forest Supervisor
USDA Forest Service, Bighorn National Forest
2013 Eastside 2nd Street
Sheridan, WY 82001

Re: Administrative Order
Shell Falls Interpretive Site
Public Water System
Docket No. **SDWA-08-2010-0010**
PWS ID # WY5680008

Dear Mr. Bass:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Among other things, the Order alleges that the USDA Forest Service, Bighorn National Forest, has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the USDA Forest Service, Bighorn National Forest, complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or to request an informal conference with 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 U.S. Forest Service's attorneys should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,



Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ (via e-mail)
WY DOH (via e-mail)
Steve Quintana, Civil Engineer - Facilities, Bighorn National Forest

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JAN 13 AM 9:36

IN THE MATTER OF:)
)
USDA Forest Service, Bighorn National Forest,)
)
Respondent)
_____)

Docket No. SDWA-08-2010-0010

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Bighorn National Forest Shell Falls Interpretive Site public water system (the system), which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
3. The system is supplied by a spring-fed well. The water is not treated.
4. The system has approximately one service connection and/or regularly serves at least 1500 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. 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 twice per month for total coliform bacteria, from May through September. Respondent collected one water sample for total coliform bacteria on May 16, 2007, but failed to collect a second water sample that month and, therefore, violated this requirement.
8. Respondent is required to report analytical results to EPA within the first 10 days

following the month in which sample results were received. 40 C.F.R. § 141.31(a). While Respondent collected water samples on August 5 and August 19, 2009, and again on September 21 and September 22, 2009, Respondent failed to submit results for the samples collected on August 19 and September 22, 2009 until the week of November 16, 2009, and, therefore, violated this requirement. In addition, after the system's water tested positive for total coliform on August 19, 2009, Respondent collected four water samples on August 21 to test for total coliform bacteria, but failed to report the results of those samples until the week of November 16, 2009, and, therefore, violated this requirement.

9. If the system has one or more total coliform –positive samples, Respondent is required to collect at least 5 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 on August 19, 2009, Respondent collected two water samples but failed to collect a total of at least five routine samples of the system's water in September 2009, and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 7 and 9, 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 shall monitor the system's water for total coliform bacteria twice per month from May through September, as required by 40 C.F.R. § 141.21.

12. Respondent shall report analytical results to EPA within the first ten days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a).

13. If any routine sample for the system is total coliform positive, Respondent shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21.

14. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).



15. Respondent shall direct all reporting required by this Order to:

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

GENERAL PROVISIONS

16. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

17. 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.

Issued: January 13, 2010

David Roche
Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Darcy O'Connor
Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

