



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2016 AUG 18 AM 8:30

FILED  
EPA REGION VIII  
HEARING CLERK

AUG 18 2016

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

USDA National Forest Service, Shoshone National Forest  
Joseph Alexander, Forest Supervisor  
808 Meadow Lane Avenue  
Cody, Wyoming 82414

Re: Notice Safe Drinking Water Act Enforcement Action against Shoshone National Forest  
Rex Hale Campground, PWS ID #5680224, Docket No. **SDWA-08-2016-0018**

Dear Mr. Alexander:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 National Forest Service, Shoshone National Forest (Shoshone), as owner and/ or operator of the Shoshone National Forest Rex Hale Campground Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

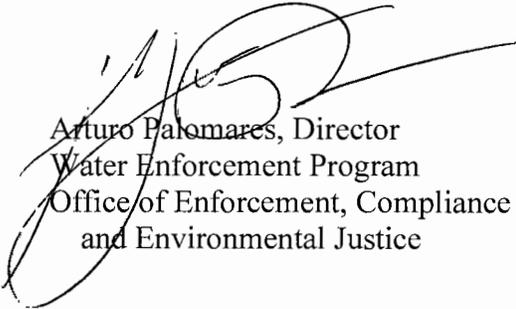
This Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from Shoshone, the EPA will assume our information is correct.

If Shoshone complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties.

To submit information or request an informal conference with the EPA, please contact Metea Wright at the above address (with the mailcode 8ENF-W), via email at [wright.metea@epa.gov](mailto:wright.metea@epa.gov), or by phone at (800) 227-8917, extension 6023 or (303) 312-6023. Any questions from Shoshone's attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), 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,



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

Enclosure

cc: WY DEQ/ DOH (via email)  
Kassy Skeen, Shoshone National Forest (via email)  
Missy Haniewicz, EPA Regional Hearing Clerk



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Teton County Commissioners  
c/o Barbara Allen, Chair  
P.O. box 3594  
Jackson, Wyoming 83001

**Docket No. : SDWA-08-2016-0018**

Re: Notice Safe Drinking Water Act Enforcement Action against the USDA National Forest Service, Shoshone National Forest Rex Hale Campground, PWS ID #5680224

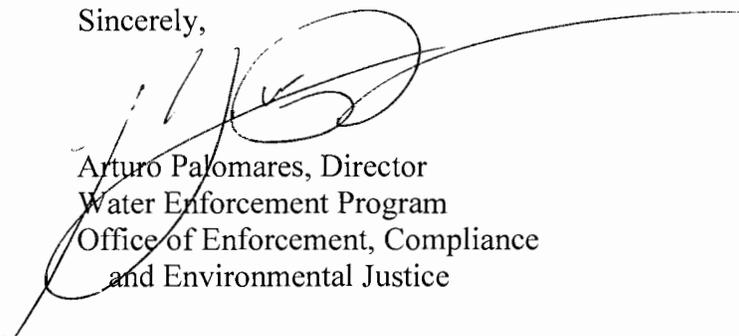
Dear Commissioners:

The Safe Drinking Water 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 National Forest Service, as owner and/operator of the Shoshone National Forest Rex Hale Campground Public Water System, located in Teton County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are for exceeding the maximum contaminant level for total coliform bacteria, failing to monitor total coliform, and late monitoring of the ground water source after a positive total coliform result.

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 Metea Wright at (303) 312-6023.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2016 AUG 18 AM 8:34

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
USDA Forest Service, Shoshone )  
National Forest Service, )  
 )  
Respondent. \_\_\_\_\_ )

Docket No. ~~SDWA-08-2016-0018~~

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**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 Shoshone National Forest Service Rex Hale Campground Public Water System (System), which provides piped water to the public in Park County, Wyoming for human consumption.
3. The System is supplied by a ground water source accessed by one well. The water is untreated. The System operates seasonally from May to September.
4. The System has approximately 15 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 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. If two or more samples collected in any month from the System’s water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F. R. § 141.63 (a) (2). During July 2015 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.
8. 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

a result that was positive for total coliform on July 8, 2015, and, therefore, violated this requirement. Effective April 1, 2016, three repeat samples are required after a total coliform positive result.

9. 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*). A sample from the System's water was positive for total coliform on July 8, 2015. However, Respondent failed to collect any ground water source sample within 24 hours and, therefore, violated this requirement. 40 C.F.R. § 141.402. The System collected a source water sample on August 4, 2015.

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 on July 8, 2015, Respondent failed to take at least five routine samples of the System's water in August 2015 and, therefore, violated this requirement. The System took 4 of 5 required samples. Additional routine sampling is no longer required after April 1, 2016.

11. Respondent is required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the total coliform MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.

12. 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. § 141.21(g)(2). Respondent failed to report the violations cited in paragraphs 8 and 10 above, to EPA and, therefore, violated this requirement.

13. 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 violation cited in paragraph 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):

14. In compliance with the Revised Total Coliform Rule, Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, collect 3 repeat samples as required by 40 C.F.R. 141.853-858. 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. § 141.861(a)(4).

15. Within 24 hours of being notified that a routine total coliform monitoring result is positive for total coliform, Respondent shall conduct source water monitoring as required by 40 C.F.R. § 141.402. Respondent shall report any 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.

16. Following any future instances of the System (1) having more than one positive total coliform sample result (including routine and repeat samples) within the same month, or (2) failing to collect three repeat samples within 24 hours following a total coliform positive sample, Respondent shall conduct a Level 1 assessment in compliance with 40 C.F.R. § 141.859. The assessment shall determine the cause of the total coliform positive samples and be submitted to the EPA within 30 days of learning of the positive monitoring results or failure to monitor violation. The assessment must identify corrective action for any sanitary defects identified in the assessment. If corrective action of sanitary defects will take longer than 10 days to complete, Respondent shall consult with and submit a schedule for completion to the EPA and complete the actions no later than the EPA-approved timeframe.

17. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, or if the number of connections served by the System falls to below 15, Respondent shall notify the EPA in writing within 10 days.

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

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

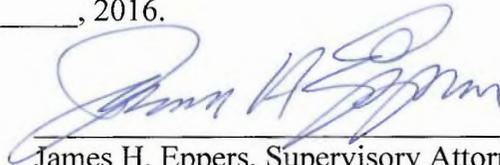
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
Fax 1-877-876-9101

#### **GENERAL PROVISIONS**

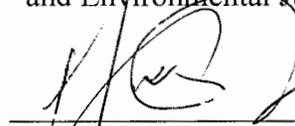
20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

21. 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.
22. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: August 18, 2016.



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