



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2020 JAN 10 PM 1:57

FILED
EPA REGION VIII
HEARING CLERK

JAN 10 2020

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Administrative Order Violation, Shoshone National Forest Rex Hale Campground Public Water System, PWS ID #WY5680224, Docket No. **SDWA-08-2016-0018**

Dear Mr. Alexander:

The purpose of this letter is to provide notice of violation of the above-referenced Administrative Order (Order) and the potential for enforcement escalation if the System accrues additional violations of this Order. Specifically, on August 18, 2016, the EPA issued the above-referenced Administrative Order (Order), directing USDA National Forest Service, Shoshone National Forest (Shoshone), to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that Shoshone is in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 14 and 15 on page 2 and 3 of the Order), which has not been fulfilled:

- 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).
- 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.

In other words, Shoshone was required to monitor the System's water monthly for total coliform bacteria from May to September each year. Shoshone failed to monitor the System's water for total

coliform bacteria during August of 2017 and June 2019. Shoshone was also required to conduct source water monitoring within 24 hours of being notified that a routine total coliform monitoring result is positive for total coliform. Shoshone did not collect a source water sample within 24 hours of being notified of a positive routine total coliform monitoring result from September 5, 2017, due to closure of the campground. A source water sample was collected May 2, 2018, prior to opening to the public. Additionally, during 2018, Shoshone did not collect a source water sample within 24 hours of being notified of a positive routine total coliform monitoring result from September 4, 2018. A source water sample was collected on May 14, 2019.

Violation of any part of the above-referenced Order may subject Shoshone to a penalty of up to \$39,936 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300j-6(b)(2); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019). Please note that the EPA may choose not to file a complaint seeking civil administrative penalties if Shoshone incurs no additional violations of this Order.

For assistance with actions necessary to ensure compliance with the Order, please contact Jill Minter via email at Minter.Jill@epa.gov, or by phone at (800) 227-8917, extension 6084, or (303) 312-6084. Any questions from the Forest Service's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

Sincerely,



Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc: WY DEQ and DOH (via email)
Trent Dunn, Forestry Technician (trent.dunn@usda.gov)
Ashley Duke, Supervisory Forest Technician (ashley.duke@usda.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk
Colleen Renner, Park County Clerk (CRenner@parkcounty.us)
Susan Kohn, Park County Commissioners, (SKohn@parkcounty.us)