



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**SEP 28 2015**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jenna Whitlock, Acting State Director  
Bureau of Land Management  
Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101

Re: Administrative Order issued to the U.S. Department of Interior, for the Wind Whistle Campground Public Water System, PWS ID# UTAH19037,  
Docket No. SDWA-08-2015-0036

Dear Ms. Whitlock:

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 U.S. Department of Interior, Bureau of Land Management (BLM), as owner and/or operator of the Wind Whistle Campground public water system (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

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, public notice distributed, etc.). If the EPA does not hear from you, 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 substantial civil penalties and/or a federal court injunction ordering compliance.

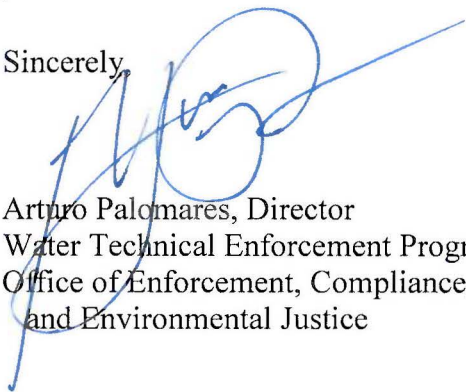
The Order requires you to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303)

312-6467, or by email at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov). Any questions from your 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, or by email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov).

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order  
Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UTDEQ Drinking Water Rule Section Manager (by email)  
Casey Matthews, Bureau of Land Management, Utah State Office (by email)  
Lance Porter, Bureau of Land Management, Moab Field Office (by email)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2015 SEP 28 AM 9:26

IN THE MATTER OF: )

) Docket No. SDWA-08-2015-0036

U.S. Department of Interior, )  
Bureau of Land Management, )

**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 official.
2. The U.S. Department of Interior, Bureau of Land Management (Respondent) is a Federal Agency that owns and/or operates the Wind Whistle Campground Public Water System (System), which provides piped water to the public in San Juan County, Utah, for human consumption.
3. The System is supplied by a groundwater source accessed via 1 well and is not treated.
4. The System has approximately 4 service connections and/or regularly serves an average of approximately 39 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 Utah Department of Environmental Quality (State) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. The EPA issued a notice of Respondent’s violations to the State and to Respondent on August 10, 2015. The State elected not to commence an enforcement action against Respondent for the violations listed in that notification within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

**VIOLATIONS**

7. Respondent is required to monitor the System’s water quarterly 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 4<sup>th</sup> quarter of 2014 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 2014 and, therefore, violated this requirement.

9. Respondent is required to complete corrective action of significant deficiencies or be in compliance with an approved corrective action schedule within 120 days of receiving written notification from the State of the significant deficiencies. 40 C.F.R. § 141.403(a)(5)(i). Respondent is required to notify the State within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). On April 23, 2012, the State advised Respondent that significant deficiencies previously identified by the State at the System, including an improperly screened overflow on the storage tank, was to be corrected by August 23, 2012. Respondent did not correct the significant deficiency by August 23, 2012, and, therefore, violated the requirement.
10. 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 violation cited in paragraph 9, above, and, therefore, violated this requirement.
11. Respondent is required to report any failure to comply with any coliform monitoring requirement to the State within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to the State and, therefore, violated this requirement.
12. Respondent is required to report any failure to comply with any Drinking Water Regulation to the State 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, 9, and 10, above, to the State 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):

13. Respondent shall monitor the System's water for total coliform bacteria during the 2<sup>nd</sup> (April – June) and 3<sup>rd</sup> (July-September) quarters every year, and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Within the first 10 days following the month in which Respondent receives sample results, Respondent shall (a) report the results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification. If Respondent violates any coliform monitoring requirement in 40 C.F.R. part 141, then, within 10 days after discovering the violation, Respondent shall (a) report this violation to the State, as required by 40 C.F.R. § 141.21(g)(2), and (b) provide the EPA with a copy of this notification.
14. Respondent shall monitor the System's water for nitrate annually as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of this notification.



15. Within 10 days after receipt of this Order, Respondent shall consult with the State and the EPA regarding appropriate corrective actions for addressing the following significant deficiency AND within 60 days of receipt of this Order, submit a corrective action plan and schedule to the State and the EPA. 40 C.F.R. §§ 141.403(a)(4) and 403(a)(5).

- a. **Improper screening on storage tank overflow.** Overflow pipes shall be screened with No. 4 mesh non-corrodible screen installed at a location least susceptible to damage by vandalism.

16. The schedule required by paragraph 15, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the State and the EPA.

17. Within 10 days after completing all tasks included in the schedule required by paragraph 15, above, Respondent shall notify the State and the EPA of the completion of the corrective actions, as required by 40 C.F.R. § 141.405(a)(2). Respondent shall provide evidence to the EPA, including photographs of the completed corrective actions and the following certification signed by a person of authority in the System that the corrective actions have been completed: "I certify under penalty of perjury that the Bureau of Land Management, Wind Whistle Campground has completed all corrective actions to address the significant deficiencies identified during the July 14, 2010, sanitary survey site visit."

18. Respondent shall consult with the State regarding appropriate corrective actions within 30 days of receiving written notice of any significant deficiencies at the System which may be identified by the State, and complete corrective actions for those significant deficiencies within 120 days, or in compliance with a State-approved corrective action plan and schedule. Respondent shall notify the State and the EPA within 30 days of completion of a corrective action for a significant deficiency. 40 C.F.R. §§ 141.403(a)(4), 404(a), and 405(a)(2). Note: Significant deficiencies, if any, are identified by the State during sanitary surveys of public water systems.

19. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 9, above. 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 State and the EPA. Respondent must continue to notify the public every 3 months until the significant deficiency has been addressed.

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

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

22. 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, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the State and the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

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

Olive Hofstader  
U.S. EPA Region 8 (ENF-W)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

AND

Patti Fauver, Rules Section Manager  
Utah Department of Environmental Quality  
Division of Drinking Water  
P.O. Box 144830  
Salt Lake City, Utah 84114-4830

### **GENERAL PROVISIONS**

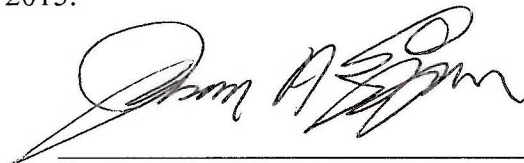
24. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

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

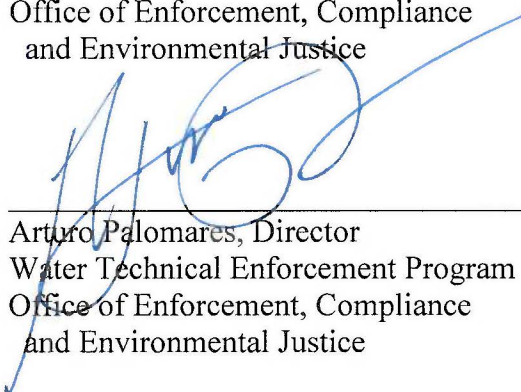


26. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 28, 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



## 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)].

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

# Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice – Template NC-26

## Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

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

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics 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 Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

### After Issuing the Notice

Make 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)].

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.

## DRINKING WATER NOTICE

### **[System] Failed to [Correct a Significant Deficiency/Address a Fecal Indicator-Positive Source Sample] Within Required Time Frame**

Our water system [give system name] was required to take action to [correct a significant deficiency/address a fecal-indicator positive source sample] by [give date]. However, we failed to take action by the required date.

#### **What This Means**

This is not an emergency. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until the problem is corrected, there is an increased chance that disease-causing organisms could contaminate the water supply.

*\*Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.\** These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**You may drink the water.** However, if you have specific health concerns, consult your doctor.

If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

#### **Steps We Are Taking**

[Describe corrective action.] We expect to have the [significant deficiency/source of fecal contamination] corrected by [give date].

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