

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:

U.S. Department of Interior,
National Park Service,

Respondent.

Yellowstone National Park-
Old Faithful Public Water System
PWS ID #WY5680085

Docket No.

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 official.
2. The U.S. Department of Interior, National Park Service (Respondent) is a “federal agency” as that term is defined at 42 U.S.C. § 300f(11), that owns and operates the YNP- Old Faithful Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. Federal agencies owning or operating a public water system are subject to both procedural and substantive requirements respecting public water systems in the same manner and to the same extent as any person is subject to such requirements. 42 U.S.C. § 300j-6.
4. The System is supplied by a surface water source accessed via the Firehole River. The water is treated via a conventional filtration system.
5. The System has approximately 153 service connections used by year-round residents and regularly serves an average of approximately 50 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
4. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

5. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

6. The maximum contaminant level (MCL) for arsenic is 0.010 milligrams per liter (mg/L), with compliance to be based on a running annual average (RAA) of four samples 40 C.F.R. §§ 141.23(i) and 141.62(b). The RAAs of arsenic samples from the System for the second, third, and fourth quarters of 2023 were 0.012 mg/L and exceeded the MCL, and therefore Respondent violated this requirement.
7. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule. 40 C.F.R. § 141.723(d). Respondent received a letter from the EPA on May 24, 2021, which detailed significant deficiencies. On October 13, 2021, the EPA approved a schedule for the System to complete the corrective actions by September 16, 2022. Respondent failed to complete all corrective actions by that date and therefore violated this requirement.
8. Respondent was required to monitor the System's water for lead and copper triennially by collecting 10 samples between June 1 and September 30. 40 C.F.R. §§ 141.86(c) and (d). Respondent failed to collect the required number of samples of the System's water between June 1 and September 30, 2023, and therefor, violated this requirement.
9. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 9, above, is classified as a violation requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 9 and failed to submit a copy of the public notice and certification to the EPA, thereby violating these requirements.
10. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public

notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 10, above, is classified as a violation requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondent failed to notify the public of the violation cited in paragraph 10 and failed to submit a copy of the public notice and certification to the EPA, thereby violating these requirements.

11. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 8 through 12, 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):

12. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
13. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule and plan to bring the System into compliance with the arsenic maximum contaminant level (MCL) as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The proposed schedule shall include a project start date, interim milestone deadlines, project completion deadline, and a final compliance deadline for compliance with the RAA. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the arsenic MCL. Each quarterly report is due by the 10th day of the month following the relevant calendar quarters (e.g., January 10 for the first calendar quarter). Within 10 calendar days after completing all tasks included in the Schedule, Respondent

shall notify the EPA of the project's completion. The System shall achieve compliance with the arsenic MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance. Respondent shall continue to notify the public quarterly by completing a public notice until the arsenic MCL violation is resolved.

14. Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule and plan to the EPA for completion of all corrective actions. The plan shall include proposed modifications to the System and estimated costs of modifications. The EPA will review the proposed schedule and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. § 141.723(d).

Corrective Actions:

- Survey Year 2019, SD#2: The overflow on the clearwell must be piped to an elevation between 12 and 24 inches above the ground surface.
 - Survey Year 2019, SD#3: The overflow for the clearwell must discharge over a drainage inlet structure, splash plate, or engineered rip-rap.
15. Respondent shall monitor the System's water for lead and copper between January 1 and June 31, 2024, and again between July 1 and December 31, 2024 by collecting 20 samples during each sampling event, unless directed otherwise by the EPA. 40 C.F.R. §§ 141.86(c) and (d). Within 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving monitoring

results, Respondent shall deliver a consumer notice of individual tap results from lead tap water monitoring to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3).

16. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondent must report the violation to the EPA within that different period.
17. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 9, above, persists, Respondent shall notify the public of this violation. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). 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>.
18. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 10, above. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). 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>.
19. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the EPA in writing within 10

calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

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 must, within 10 calendar 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 will remain obligated to comply with this Order.
21. Respondent must send all reporting and notifications required by this Order to the EPA at:
Email: R8DWU@epa.gov, and Moore.jessica@epa.gov

GENERAL PROVISIONS

22. This Order is binding on Respondent and its successor agencies, departments, or instrumentalities, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
23. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
24. Violation of any part of this Order may subject Respondent to civil penalties of up to \$48,586 (as adjusted for inflation) per day of violation. See 42 U.S.C. §§ 300g-3 and 300j-6(b)(2); 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

Issued: _____.

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