

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF:	)	
	)	Docket No. SDWA-08-2024-0006
USDA Forest Service	)	
Bridger-Teton National Forest	)	
Hoback Campground	)	
	)	<b>ADMINISTRATIVE ORDER</b>
Respondent.	)	
	)	
BTNF Hoback Campground	)	
<u>PWS ID #WY5680139</u>	)	

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 USDA Forest Service (Respondent) is a “federal agency” as that term is defined at 42 U.S.C. § 1401(11), that owns and operates the Bridger-Teton National Forest’s Hoback Campground 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. § 1447(a).
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. The System is supplied by a groundwater source accessed via one well (WL01). The water is untreated. The System is operated seasonally from June to September.
6. The System has approximately 13 service connections and/or regularly serves an average of approximately 50 individuals daily at least 60 calendar 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. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
7. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

### VIOLATIONS

8. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The EPA sent Respondent a sanitary survey report dated August 20, 2021, which detailed significant deficiencies. The EPA's record reflects that the Respondent failed to complete all corrective actions by July 28, 2022, and failed to notify the EPA of corrective action completion by July 28, 2022, and therefore, violated these requirements.
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 7, 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[s] cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
10. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during August 2020 and therefore, violated this requirement. (Note: Respondent did collect a total coliform sample in September 2020).
11. 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 violations identified in paragraph 9, above, is classified as violations 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[s] cited in paragraph 9 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.
12. 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 paragraph 7 above, to the EPA and therefore, violated this requirement.
13. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 9, 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):

14. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

15. 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 specified below. 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 of the project's completion 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. §§ 141.403(a) and 141.405(a)(2).

**Corrective Action:**

- a. WL01- The top of the casing for Well #1 shall terminate at least 3 feet above the 100-year floodplain or the highest known flood elevation, whichever is higher.
- b. WL01- The wellhouse must always be accessible to allow for access to the System components in the event of an emergency. The Respondent must install a new bridge across the river at the campground, create a maintained trail from the road on the south side of the river that goes to the wellhouse, or abandon WL01 and develop an alternative.

16. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report results to the EPA within the first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest 141.31(a)(2).

17. 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.

18. If the population served by the System, at least 60 days out of the year, falls below 25 individuals, 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>.
19. 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.
20. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [moore.jessica@epa.gov](mailto:moore.jessica@epa.gov)

#### **GENERAL PROVISIONS**

21. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
22. 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.
23. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$47,061 (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 989 (January 6, 2023).

Issued: November 29, 2023.

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