

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners c/o Debby Dellai Boese, Chairman 80 West Flaming Gorge Way, Suite 109 Green River, WY 82935

> Re: Notice of Safe Drinking Water Act Enforcement Action against the Ashley National Forest Firehole Recreation Area

> > PWS ID #WY5600995

Dear County Commissioners:

The Safe Drinking Water Act requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order to the Ashley National Forest Firehole Recreation Area, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor for nitrate and failing to report this violation to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission**. If you have any questions regarding the Order, please contact Kimberly Pardue Welch at (303) 312-6983.

Sincerely,

Darcy O'Connor, Acting Director Water Technical Enforcement Program Office of Enforcement, Compliance and Environmental Justice



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APR 2 0 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin B. Elliott, Supervisor USDA Forest Service, Ashley National Forest 355 North Vernal Avenue Vernal, UT 84078

> Re: Administrative Order Firehole Recreation Area Public Water System Docket No.SDWA_08-2010-0037

PWS ID #WY5600995

Dear Mr. Elliott:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that the USDA Forest Service, Ashley National Forest, has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the USDA Forest Service, Ashley National Forest, complies with the Order, 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.

To submit information or request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from the company's attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above

address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

Darcy O'Connor, Acting Director Water Technical Enforcement Program Office of Enforcement, Compliance and Environmental Justice

Enclosures:

Order

CC:

WY DEQ/DOH (via email) Tina Artemis, EPA Regional Hearing Clerk Paulette Welder, Operator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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IN THE MATTER OF:)
) Docket No. sowa-08-2010-0037 FILED
USDA Forest Service,	HEARING CLERK
Ashley National Forest) MEARING WERA
Firehole Recreation Area) ADMINISTRATIVE ORDER
Respondent.	_)

- 1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. (the Act), as properly delegated to the undersigned officials.
- 2. The USDA Forest Service (Respondent) is a federal agency that owns and/or operates the Ashley National Forest Firehole Recreation Area Water System (the system), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
- 3. The system is supplied by a groundwater source consisting of one well.
- 4. The system has approximately 12 service connections and/or regularly serves at least 100 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
- 6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

USDA Forest Service Ashley National Forest Firehole Recreation Area Page 2 of 3

VIOLATIONS

- 7. 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 2009, and, therefore, violated this requirement.
- 8. Respondent is required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 7, above, to 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):

- 9. Within 30 days of reopening for the 2010 season, and per the regulations thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall notify EPA within 48 hours of any violation of the nitrate monitoring requirements, as required by 40 C.F.R. § 141.31(b).
 - 10. Respondent shall direct all reporting required by this Order to:

U. S. EPA Region 8 (8P-W-DW) 1595 Wynkoop Street Denver, CO 80202-1129 USDA Forest Service Ashley National Forest Firehole Recreation Area Page 3 of 3

GENERAL PROVISIONS

- 11. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.
- 12. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: april 20 , 2010.

David Rochlin, Superv

David Rochlin, Supervisory Attorney Legal Enforcement Program Office of Enforcement, Compliance and Environmental Justice

Darcy O'Connor, Acting Director Technical Water Enforcement Program Office of Enforcement, Compliance and Environmental Justice