



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**SEP 19 2016**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

USDA Forest Service  
c/o John R. Erickson, Supervisor  
Ashley National Forest  
355 North Vernal Avenue  
Vernal, Utah 84078

Re: Administrative Order, Firehole Recreation Area Public Water System,  
PWS ID #5600995, Docket No. **SDWA-08-2016-0025**

Dear Mr. Erickson:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 USDA Forest Service (FS), as owner and/or operator of the Firehole Recreation Area Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

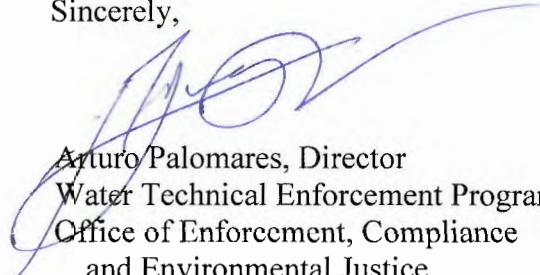
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the FS believes the EPA may not have (such as any upgrades to the System or any updates to the numbers of connections and/or individuals served). If the EPA does not hear from the FS, the EPA will assume this information is correct.

If the FS complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial administrative civil penalties.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), via email at [brainich.kathelene@epa.gov](mailto:brainich.kathelene@epa.gov), or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. Any questions from the FS attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), via email at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov), or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosure

cc: Kelly Wilde, Firehole Recreation Area (kellyrwilde@fs.fed.us)  
WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk



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**SEP 19 2016**

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners  
c/o Wally J. Johnson, Chair  
80 West Flaming Gorge Way, Suite 109  
Green River, Wyoming 82935

Re: Notice of Safe Drinking Water Act Enforcement Action Regarding Ashley National Forest  
Firehole Recreation Area Public Water System, PWS ID #5600995 **Docket No.:** **SDWA-08-2016-0025**

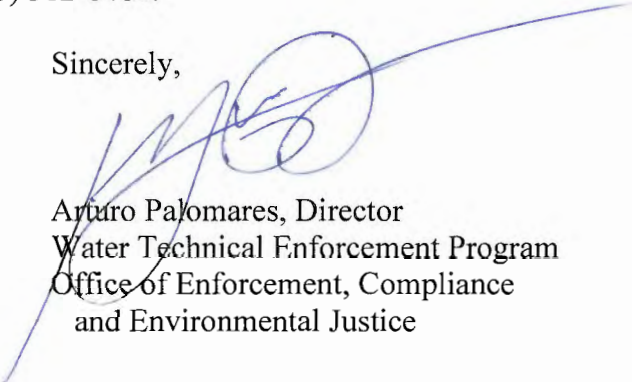
Dear Commissioners:

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

An Administrative Order (Order) is being issued to the USDA Forest Service, as owner and/or operator of the Ashley National Forest Firehole Recreation Area Public Water System, located in Sweetwater County, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order are failure to timely complete corrective action of a significant deficiency and to report the completion to the EPA, and failure to report the violations to the EPA.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2016 SEP 19 PM 1:14

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IN THE MATTER OF: )  
 )  
USDA Forest Service, )  
Ashley National Forest, )  
Firehole Recreation Area, )  
 )  
 )  
Respondent. )

Docket No. ~~SDWA-08-2016-0025~~

FILED  
EPA REGION VIII  
HEARING CLERK

**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 (the Act), 42 U.S.C. § 300g-3(g), 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 Public Water System (System), which provides piped water to the public in Sweetwater County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well; the water is not treated. The System is open seasonally from May through September.
4. The System has approximately 10 service connections and regularly serves an average of approximately 70 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).

**VIOLATIONS**

6. Respondent is required to complete corrective action of significant deficiencies in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiencies. 40 C.F.R. § 141.404. Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on May 1, 2015, that detailed significant deficiencies and the EPA approved a schedule for the System to clean and inspect the identified storage tank by May 31, 2016. Respondent failed to complete the corrective action by May 31, 2016, or failed to notify the EPA of the completion of the corrective action by June 30, 2016, and, therefore, violated this requirement. Respondent notified the EPA on August 15 2016, that the tank had been cleaned and inspected earlier in the year and that they would send documentation to the EPA soon.

7. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA 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 violation cited in paragraph 6, above, to the 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):

8. Within 15 days of receipt of this Order, Respondent shall submit documentation to the EPA of the significant deficiencies corrective action completion of the identified storage tank cleaning and inspection. Thereafter, Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

9. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in the Drinking Water Regulations, Respondent shall report within that different period.

10. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, Respondent shall notify the EPA in writing within 10 days.

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

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

U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov)  
Fax: (877) 876-9101

### **GENERAL PROVISIONS**

13. This Order shall 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 the EPA to forgo any civil or criminal action.

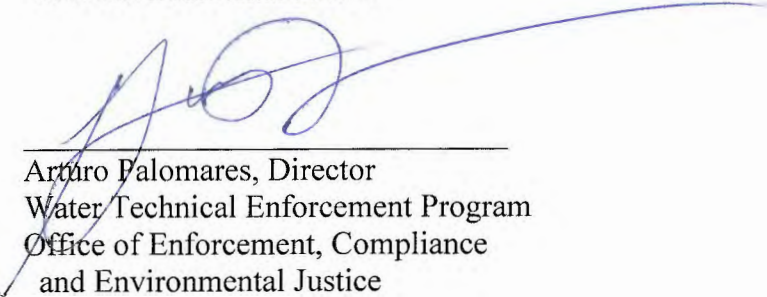
14. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$ 37,561 per day of violation (as adjusted for inflation). Violation of the Act or the Drinking Water Regulations may subject Respondent to an administrative civil penalty of up to \$32,500 per day per violation (as adjusted for inflation). 42 U.S.C. §§ 300g-3, 300j-6, 300j-8; 40 C.F.R. part 19.

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

Issued: September 19, 2016

*David Rolli for JHE*

James H. Eppers, Supervisory Attorney  
Regulatory Enforcement Unit  
Office of Enforcement, Compliance  
and Environmental Justice



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