

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2023-0011
USDA Forest Service)	
Bridger-Teton National Forest)	
Blackrock Work Center)	ADMINISTRATIVE ORDER
)	
Respondent.)	
)	
Blackrock Work Center Public Water System)	
<u>PWS ID # WY5680211</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 that owns and operates the Bridger-Teton National Forest's Blackrock Work Center Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated.
4. The System has approximately 23 service connections and/or regularly serves an average of approximately 10 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.
5. 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).
6. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent is required to monitor the System's tap water for lead and copper during two consecutive six-month monitoring periods. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during the period of January 2022 through June 2022 and July 2022 through December 2022 and, therefore, violated this requirement.
8. Respondent is required to monitor the System's water for volatile organic contaminants (VOCs), at every entry point to the distribution system, which is representative of each well after treatment, during four consecutive quarters, from the first quarter 2022 to the fourth quarter 2022. 40 C.F.R. §§ 141.24(f)(4). Respondent failed to sample for the first quarter 2022, the second quarter 2022, the third quarter 2022, and the fourth quarter 2022, and therefore, violated this requirement.

9. Respondent is required to monitor the System's water for synthetic organic contaminants (SOCs), at every entry point to the distribution system, which is representative of each well after treatment, during four consecutive quarters from the first quarter 2022 to the fourth quarter 2022. 40 C.F.R. §§ 141.24(h)(4). Respondent failed to sample for the first quarter 2022, the second quarter 2022, the third quarter 2022, and the fourth quarter 2022, and therefore, violated this requirement.

10. Respondent is required to monitor the System's water for inorganic contaminants (IOCs) at every entry point to the distribution system which is representative of each well after treatment during every three-3- year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent was required to monitor for IOCs during first quarter 2022, but failed to monitor the System's water for IOCs during the that quarter. The System continued to fail to monitor each quarter, through December 31, 2022, monitoring period and therefore, violated this requirement.

11. Respondent is required to monitor the System's water for asbestos at every entry point to the distribution System which is representative of each well after treatment during every 3-year compliance period. 40 C.F.R. § 141.23(a) and (c). Respondent was required to monitor for asbestos during first quarter 2022, but failed to monitor the System's water for asbestos during that quarter and therefore, violated this requirement.

12. 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). Respondent received a sanitary survey report from the EPA on October 10, 2020, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by April 10, 2021. Respondent failed to complete all corrective actions by April 10, 2021, and failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement. The significant deficiency was corrected on November 25, 2022. No further action is required at this time.

13. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and distribute an annual CCR for calendar year 2021 to the System's customers and to the EPA and failed to provide a certification to the EPA for 2021. Therefore, Respondent violated these requirements.

14. 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 paragraphs 8, 9, 10, and 11, above, are 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 violations cited in paragraphs 8, 9, 10 and 11, and failed to submit a copy of the public notice and certification to

the EPA and therefore, violated this requirement for the first quarter violations. The deadline for public notice of the second, and third, and fourth quarter violations cited in paragraphs 8, 9, 10, 11, has not yet passed.

15. Respondent is required to report nitrate results to the EPA within the first 10 calendar days following the end of each required monitoring period. 40 C.F.R. § 141.31(a). Respondent monitored for nitrate on July 7, 2021, and failed to report results to the EPA within the first 10 calendar days following the end of the required 2021 monitoring period, and therefore, violated this requirement.

16. 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 7, 8, 9, 10, 11, and 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):

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

18. Respondent shall monitor the System's water for lead and copper, between January 1 through June 30, 2023, and between July 1 through December 31, 2023, and thereafter as directed by the EPA at 5 locations, according to the tiering criteria set forth in 40 C.F.R. § 141.86(a) of the Lead and Copper Rule. Within the first 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.

19. Respondent shall monitor the System's water for VOCs no later than the third quarter 2023, July 1 through September 30, 2023, and during each of the following three consecutive quarters, and thereafter in compliance with 40 C.F.R. § 141.24(f)(4) and (f)(22). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

20. Respondent shall monitor the System's water for SOCs no later than the third quarter 2023, July 1 through September 30, 2023, and during each of the following three consecutive quarters, and thereafter in compliance 40 C.F.R. § 141.24(h). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

21. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for IOCs and during each of the following three consecutive quarters, and thereafter in compliance with 40 C.F.R. §§ 141.23(a) and (c). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring

period. 40 C.F.R. § 141.31(a).

22. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondent shall monitor the System's water for asbestos, and during each of the following three consecutive quarters, and thereafter in compliance with 40 C.F.R. §§ 141.23(a) and (b). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

23. Within 10 calendar days after completing a corrective action of a significant deficiency, 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. §§ 141.403(a) and 141.405(a)(2).

24. Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, for the System for calendar year 2021 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

25. Within 30 days after the System learns of the tap monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). Within 45 days after receipt of this Order, and thereafter, 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). Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8>.

26. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the first quarter 2022 violations cited in paragraphs 8, 9, 10, and 11 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>.

27. Respondent shall report monitoring results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

28. 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>.

29. 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.

30. 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.

31. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

32. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.

33. 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.

34. 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: June 7, 2023.

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