



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUL 06 2016

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sue Masica, Regional Director  
National Park Service  
12795 Alameda Parkway  
Denver, CO 80225

Re: Notice of Safe Drinking Water Act Enforcement Action against Yellowstone National Park Old Faithful, PWS ID #5680085, Docket No. **SDWA-08-2016-0013**

Dear Ms. Masica:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 the Yellowstone National Park Old Faithful (Yellowstone), as owner and/or operator of the Yellowstone National Park Old Faithful Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141.

This Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the numbers of connections and/or individuals served, etc.). If the EPA does not hear from Yellowstone, the EPA will assume our information is correct.

If Yellowstone complies with the Order, the 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.

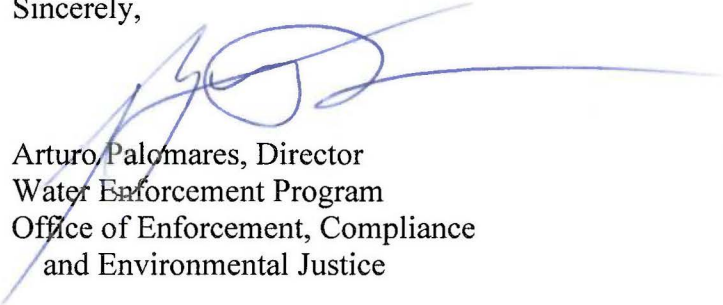
Please be aware that Yellowstone is required to submit to the EPA a plan and schedule for bringing the System into compliance with the Drinking Water Regulations. The EPA's approval of Yellowstone's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Yellowstone to contact any such governmental agency or agencies regarding any applicable approval requirements.

To submit information or request an informal conference with the EPA, please contact Metea Wright at the above address (with the mailcode 8ENF-W), via email at [wright.metea@epa.gov](mailto:wright.metea@epa.gov), or by phone at (800) 227-8917, extension 6023 or (303) 312-6023. Any questions from Yellowstone's 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 Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: WY DEQ/ DOH (via email)  
Jeff Schnelbach (via email) [jeff\\_schnelbach@nps.gov](mailto:jeff_schnelbach@nps.gov)  
Dan Wenk, Superintendent (via email) [Dan\\_Wenk@nps.gov](mailto:Dan_Wenk@nps.gov)  
Missy Haniewicz, EPA Regional Hearing Clerk



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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Barbara Allen, Chair  
P.O. Box 3594  
Jackson, Wyoming 83001

**DOCKET NO. SDWA-08-2016-0013**

Re: Notice of Safe Drinking Water Act Enforcement Action against the Department Of Interior,  
National Park Service, Yellowstone National Park Old Faithful, PWS ID #5680085

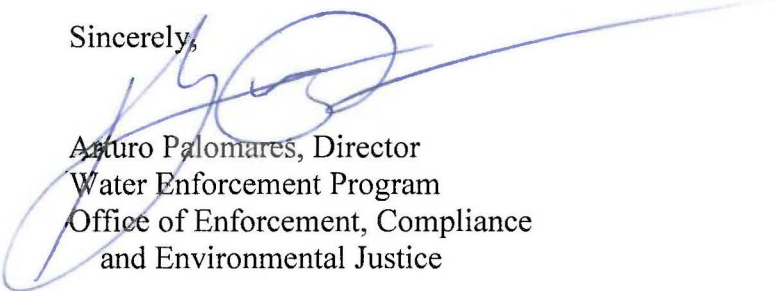
Dear Commissioners:

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 National Forest Service, as owner and/operator of the Yellowstone National Park Old Faithful System, located in Teton County, directing it to comply with the National Primary Drinking Water Regulations. The violation alleged in the Order is for exceeding the maximum contaminant level for arsenic.

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 Metea Wright at (303) 312-6023.

Sincerely,



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

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2016 JUL -6 PM 2:56

IN THE MATTER OF: )  
 )  
U.S. Department of Interior, )  
National Park Service, )  
Yellowstone National Park, )  
Respondent. )

Docket No. **SDWA-08-2016-0013**

**ADMINISTRATIVE ORDER**

FILED  
EPA REGION VIII  
HEARING CLERK

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 officials.
2. The USDA National Park Service (Respondent) is a federal agency that owns and/or operates the Yellowstone National Park Old Faithful Public Water System (System), which provides piped water to the public in Teton County, Wyoming, for human consumption
3. The System utilizes a surface water source from the Firehole River. The water is treated by conventional filtration and disinfected with sodium hypochlorite. The System operates year-round.
4. The System has approximately 36 service connections used by year-round residents and/or regularly serves an average of approximately 150 year-round residents. The System also has a transient population of 1500-2000 during peak season (June-August). 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 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. The Maximum Contaminant Level (MCL) for arsenic is 0.010 milligrams per liter (mg/l), with compliance based on a running annual average (RAA) of arsenic samples. 40 C.F.R. §§ 141.23(i) and § 141.62(b). The RAA of arsenic samples from the System for the 1<sup>st</sup> quarter 2016 (2<sup>nd</sup> quarter 2015 through 1<sup>st</sup> quarter 2016) of 0.011 mg/l exceeded the MCL, and, therefore, Respondent violated this requirement.

**ORDER**

Based on the above violation, Respondent is ordered to perform the following actions upon Respondent’s receipt of this Order (unless a different deadline is specified below):

7. Within 60 days after receipt of this Order, Respondent shall provide the EPA with a schedule for Respondent to come into compliance with the arsenic MCL in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System, estimated costs of modifications, and a proposed plan and schedule for completion of the project and compliance with the arsenic MCL. The plan shall also



include specific milestone dates and a final compliance date (to be within 6 months from the date of the EPA's approval of the plan). The schedule must be approved by the EPA before construction or modifications can begin.

8. The schedule required by paragraph 7, above, will be incorporated into this Order as enforceable requirement upon written approval by the EPA.

9. Within 90 days after receipt of the EPA's approval of the schedule required by paragraph 7, above, Respondent shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with 40 C.F.R. § 141.62(b). Each quarterly report is due by the 10<sup>th</sup> day of the month following the end of the relevant quarter.

10. Within 10 days after completing all tasks included in the schedule required by paragraph 7, above, Respondent shall notify the EPA of the project's completion.

11. Respondent must achieve and maintain compliance with the arsenic MCL by the final date specified in the approved schedule. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

12. If the number of individuals served by the System falls below an average of 25 daily at least 60 days of the year, or if the number of connections served by the System falls to below 15, Respondent shall notify the EPA in writing within 10 days.

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

14. 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, Colorado 80202-1129  
Email: R8DWU@epa.gov  
Fax 1-877-876-9101

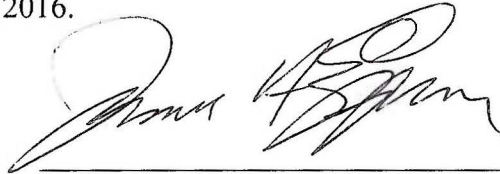
#### **GENERAL PROVISIONS**

15. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

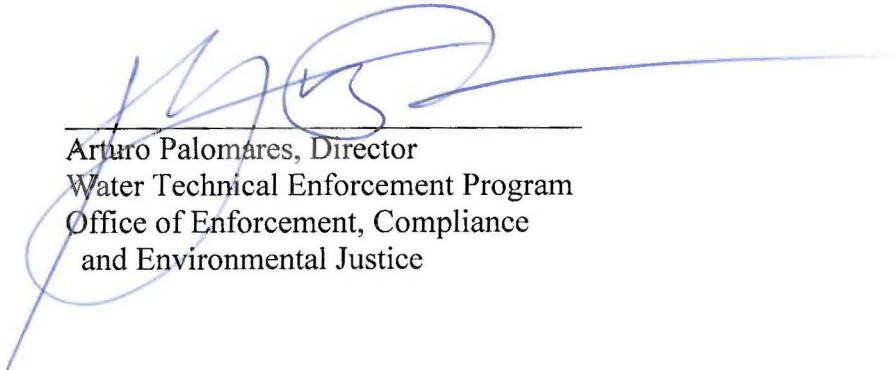
16. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$32,500 per day of violation (as adjusted for inflation). Violation of the Act or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$32,500 per day per violation (as adjusted for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

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

Issued: July 6th, 2016.



James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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