



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2018 APR -3 AM 10:33

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EPA REGION VIII  
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Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

USDA Forest Service  
c/o Mark Van Every, Forest Supervisor  
Black Hills National Forest  
1019 N. 5th Street  
Custer, South Dakota 57730

Re: Administrative Order regarding Black Hills National Forest, Cook Lake Campground Public Water System, PWS 5680010, Docket No. **SDWA-08-2018-0008**

Dear Mr. Van Every:

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 that the USDA Forest Service (USDA), as owner and/or operator of the Cook Lake Campground Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

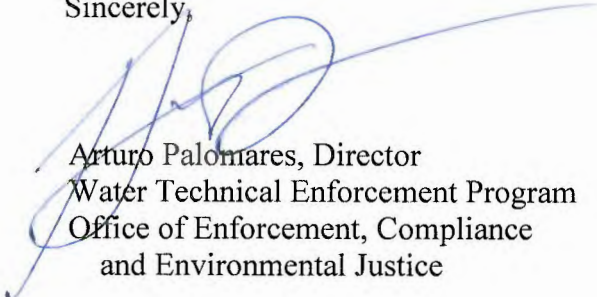
The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information the USDA believes the EPA may not have (for example, monitoring that may have been done but not submitted). If the EPA does not hear from the USDA, the EPA will assume the information in the Order is correct.

If the USDA 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.

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

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: Michael Gosse, Bearlodge District Ranger (mgosse@fs.fed.us)  
Brian Beam, Civil Engineer, Black Hills NF (bbeam@fs.fed.us)  
Crook County Commissioners (lindaf@crookcounty.wy.gov)  
WY DEQ/DOH (via email)  
Melissa Haniewicz, EPA Regional Hearing Clerk

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IN THE MATTER OF: )  
 )  
USDA Forest Service )  
Black Hills National Forest, )  
 )  
Respondent. )

Docket No. SDWA-08-2018-0008

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 (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 Black Hills National Forest Cook Lake Campground Public Water System (System), which provides piped water to the public in Crook County, Wyoming, for human consumption.

3. The System is supplied by a groundwater source accessed via two wells and the water is untreated. Respondent informed the EPA that Loop B (WL03) has been taken out of service since September 2016. The System is operated seasonally from May through November.

4. The System has 1 service connection currently used, but 2 available, and/or regularly serves an average of approximately 165 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).

6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. A System is in violation of the maximum contaminant level (MCL) for *E. coli* if (1) a repeat sample is *E. coli*-positive after a total coliform-positive routine sample; (2) a repeat sample is total coliform-positive after an *E. coli*-positive routine sample; (3) it fails to take all required repeat samples following an *E. coli*-positive routine sample; or (4) it fails to test for *E. coli* when a repeat sample tests positive for total coliform. 40 C.F.R. 141.860(a). During the month of September 2016 a routine sample from WL03 was analyzed as total coliform-positive and a repeat sample was *E. coli*-positive, and, therefore, Respondent violated this requirement.

8. Respondent is required to monitor the System's water monthly for total coliform bacteria seasonally from May through November. 40 C.F.R. § 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during September 2017 and, therefore, violated this requirement. The System closed for the 2017 season in September.

### **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. Prior to opening for the 2018 season, Respondent shall either (1) complete the sanitary defect corrective actions from the September 30, 2016, Revised Total Coliform Rule Level 2 Assessment, *i.e.*, replace the well cap and/or pump if design gaps or seals are determined to be insufficient and replace the threaded spout with a smooth spout prior to bringing WL03 back into service; or (2) if this well is to be considered inactive, either plug and abandon, or physically disconnect WL03 from the System, *i.e.*, the line from WL03 to the transmission line must be severed (section of piping removed) and properly capped, or the pump must be removed, or the power source to the pump must be physically disconnected (*e.g.* wires removed) such that an electrician is needed to restore power. WL03 must also be valved off to keep stagnant water from entering the System.

10. 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 total coliform analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

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

12. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such hire or contract, provide a copy of this Order to the employee or contractor and notify the EPA in writing of the employee or contracted parties name and contact information. Respondent shall remain obligated to comply with this Order even if Respondent hires another person or entity to operate the System.

13. Respondent shall send all reporting and notifications required by this Order to the EPA via email at:

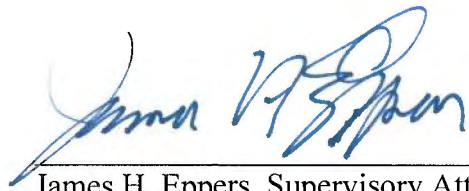
R8DWU@epa.gov and brainich.kathelene@epa.gov

**GENERAL PROVISIONS**

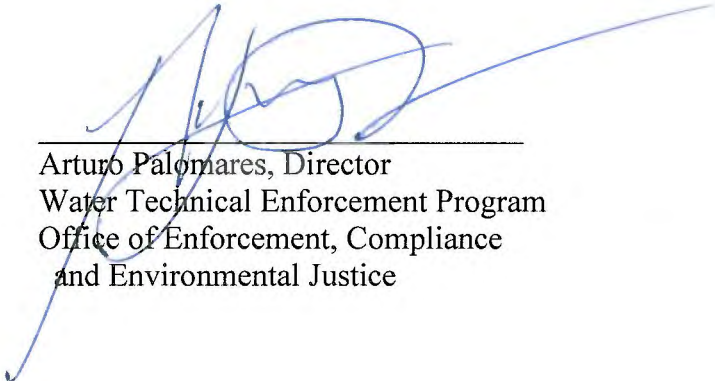
14. This Order shall not constitute a waiver, suspension or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

15. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil administrative penalty of up to \$38,954 (as adjusted for inflation) per day of violation and/or a court injunction ordering compliance. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 83 Fed. Reg. at 1193 (January 10, 2018).

Issued: April 3, 2018.



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



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