



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2019 OCT -8 AM 10:47

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Melanie Fullman, District Ranger
USDA Forest Service
Medicine Bow National Forest Service
P.O. Box 249 (2171 Highway 130)
Saratoga, Wyoming 82331

Re: Administrative Order issued to USDA Forest Service regarding the South Brush Creek Campground Public Water System,
PWS ID # WY5680054, Docket No. **SDWA-08-2020-0002**

Dear Ms. Fullman:

Enclosed is an Administrative Order (Order) issued by the United States 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 (Agency), as owner and operator of the South Brush Creek Campground Public Water System (System), has violated the National Primary Drinking Water Regulation (Drinking Water Regulation) at 40 C.F.R. part 141. The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with the Safe Drinking Water Act.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Agency believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Agency, the EPA will assume this information is correct.

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

If you have any questions or to request an informal conference with the EPA, please contact Nathaniel Hicks via email at hicks.nathaniel@epa.gov, or by phone at (800) 227-8917, extension 5646, or (303) 312-5646. Any questions from the Agency's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at 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,

A handwritten signature in black ink that reads "Colleen Rathbone". The signature is written in a cursive style with a large initial "C".

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

Enclosures

cc: WY DEQ/DOH (via email)
Carbon County Commissioners (johnjohnson@carbonwy.com)
Melissa Haniewicz, EPA Regional Hearing Clerk
Ben Jarrett (bejarrett@fs.fed.us)
Brian Waugh (bwaugh@fs.fed.us)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF:)
)
)
USDA Forest Service,)
Medicine Bow National Forest)
South Brush Creek Campground)
PWS ID # WY5680054)
)
)
Respondent)

Docket No. **SDWA-08-2070-0002**

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ADMINISTRATIVE ORDER

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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 official.
2. The USDA Forest Service (Respondent) is a Federal agency that owns and operates the South Brush Creek Campground Public Water System (System), which provides piped water to the public in Carbon County, Wyoming for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is untreated. The System is operated seasonally from June through September.
4. The System has approximately two service connections and regularly serves an average of approximately 80 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 40 C.F.R. part 141 (Drinking Water Regulation). The Drinking Water Regulation is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulation 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 water annually for nitrate at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. § 141.23(a) and (d). Respondent failed to monitor the System’s water for nitrate during 2018 at sampling points SP01 and SP02 and, therefore, violated this requirement.
8. Respondent is required to monitor the System’s water monthly for total coliform bacteria; one sample from each distribution system according to your sample siting plan, from June through September each year. 40 C.F.R. § 141.853-858. During the months of June, July, August, and September 2018, Respondent took one sample and failed to take the second sample and, therefore, violated this requirement.

9. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 8, above, to the EPA and therefore violated this requirement.

10. 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 Regulation specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraph 7, 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):

11. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulation thereafter, Respondent shall monitor the System's water for nitrate at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. § 141.23(a) and (d). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

12. Respondent shall monitor the System's water monthly for total coliform bacteria, one sample from each distribution system according to your sample siting plan, from June through September each year. 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 monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).

13. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

14. Respondent shall report any violation of the Drinking Water Regulation 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 this Order or the Drinking Water Regulation, Respondent shall report within that different period.

15. Respondent is ordered to comply with all provisions of the Act and the Drinking Water Regulation, including but not limited to each requirement cited above.

16. 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 shall, within ten days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In any of these circumstances, Respondent shall remain obligated to comply with this Order.

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

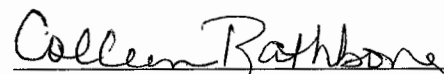
Email: R8DWU@epa.gov, and hicks.nathaniel@epa.gov

GENERAL PROVISIONS

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

19. Violation of any part of this Order may subject Respondent to a civil administrative penalty of up to \$57,317 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3)(A); 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).

Issued: October 8, 2019.



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



EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to “*What You Need to Do Next with Monitoring Requirements*” which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible! This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10th of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: r8dwu@epa.gov or faxed to: 1-877-876-9101

Where to Sample – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

Surface Water Treatment Rule – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

Total Coliform Rule

- Anytime you have a *E.coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTCR Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in “*Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip*”, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2> , together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

Nitrates – This is an acute contaminant. If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

Other Rules - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

Drinking Water Online - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

Drinking Water Watch - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwizr8.epa.gov/Region8DWWPUB/default.jsp>

Emergencies (After Hours) - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.