



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

**FEB - 5 2013**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Crook County Commissioners  
c/o Jim W. Hadley, Chairman  
P.O. Box 37  
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act Enforcement  
Action against the Cook Lake Camp Ground  
Public Water System  
PWS ID # WY5680010

Dear Commissioners:

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

An Administrative Order (Order) is being issued to the USDA Forest Service, Black Hills National Forest, which owns the Cook Lake Campground public water system, located in Crook County, WY, directing it to comply with the National Primary Drinking Water Regulations. The public water system is operated by Forest Recreation Management, Inc., under permit from the USDA Forest Service and is being copied on the Administrative Order. The violations alleged in the Order include: exceeding the maximum contaminant level for total coliform bacteria, failing to monitor for total coliform bacteria, failing to notify the public of certain violations, and failing to report certain violations to the EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares", written over a horizontal line.

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

Enclosure:  
Administrative Order



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Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Craig Bobzien, Supervisor  
USDA Forest Service, Black Hills National Forest  
1019 N. 5th Street  
Custer, SD 57730

Re: Administrative Order  
Cook Lake Camp Ground  
Public Water System  
Docket No. **SDWA-08-2013-00100**  
PWS ID #WY5680010

Dear Mr. Bobzien

Enclosed is an Administrative Order (Order) issued by the 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, Black Hills National Forest, as owner and/or operator of the Cook Lake Camp Ground public water 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 you believe the EPA may not have. If the Forest Service 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.

The Order requires the USDA Forest Service, Black Hills National Forest, to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

Note: The EPA understands that the Cook Lake Camp Ground public water system is operated under a Special Use Permit by concessionaire Forest Recreation Management, Inc. This being the case, the EPA will also work directly with the operator to ensure compliance with the requirements of the Order, in coordination with the Black Hills National Forest.

To submit information or request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Respondent's attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order  
SBREFA Information Sheet  
Public Notice Template

cc: WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk  
Rick Hudson, Black Hills National Forest (via email)  
Ty Gerbracht, Operations Manager, Forest Recreation Management, Inc.  
J. Alan Johnson, Registered Agent, Forest Recreation Management, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2013 FEB -5 AM 8:06

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

Docket No. **SDWA-08-2013-0010**

FILED  
EPA REGION VIII  
CLERK

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (Act), 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. The System operates seasonally from May to September.
3. The System is supplied by two wells. The water is not treated.
4. The System has approximately 2 service connections and/or regularly serves at least 57 individuals daily at least 60 days out of the year. Therefore, the System is a “public water system” as defined in § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. If two or more samples collected in any month from the System’s water are positive for total coliform, then Respondent has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During July 2012, one sample collected on the 23<sup>rd</sup> of the month, and four samples collected on the 26<sup>th</sup> of the month were positive for total coliform, and, during August 2012 five samples collected on the 6<sup>th</sup> of that month were positive for total coliform. Therefore, Respondent violated this requirement.
8. Respondent is required to monitor the System’s water during the 2<sup>nd</sup> (April – June) and 3<sup>rd</sup> (July – September) quarters for total coliform bacteria, collecting two samples each quarter. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System’s water for total coliform bacteria during the 2<sup>nd</sup>

quarter of 2011, collecting only one sample on June 6 of that quarter, and, therefore, violated this requirement.

9. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on August 6, 2012, Respondent failed to take at least five routine samples of the System's water in September 2012, and, therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7 and 8, above, and, therefore, violated this requirement. Note: public notice for the violation cited in paragraph 9, above, is due 12 months from the date of the violation.

11. Respondent is required to report any coliform MCL violation to EPA no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify EPA of the August 2012 MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.

12. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 8 and 9, above, to EPA and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any drinking water regulation to 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 10, above, to 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):

14. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63(a)(2).

15. Within 30 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within four months from the date of the EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by the EPA before any construction or system modifications may begin. The EPA's approval of Respondent's plan and schedule does not



substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the system.

16. The plan and schedule required by paragraph 15, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

17. Within 10 days of completing all tasks included in the plan and schedule required by paragraph 15, above, Respondent shall notify the EPA of the project's completion.

18. Respondent must achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than four months after receiving the EPA's approval of the plan and schedule required by paragraph 15, above, whichever is earliest. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

19. Respondent shall monitor the System's water annually during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report 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 in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

20. Respondent shall report any violation of the total coliform MCL requirements to the EPA no later than the end of the next business day after learning of it, as required by 40 C.F.R. 141.21(g)(1).

21. Within 30 days of opening for the 2013 season, Respondent shall notify the public of the violations cited in paragraphs 7 through 9, above, following the instructions included with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

22. Respondent shall report any violation of the drinking water regulations to the EPA within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. 141.31(b).

23. Respondent shall direct all reporting required by this Order to:

U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, CO 80202-1129



**GENERAL PROVISIONS**

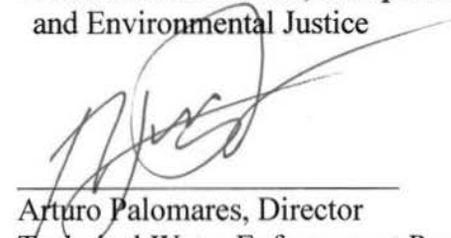
24. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

25. 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.

Issued: February 5, 2013.



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



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



# Instructions for Resolved Total Coliform Notice – Template 2-2

## Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

### Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take at Least 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

### Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

### After Issuing the Notice

Make sure to send a copy of each type of notice along with a certification that you have met all the public notice requirements to your primacy agency within ten days after issuing the notice [40 CFR 141.31(d)].

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Tests Showed Coliform Bacteria in Cook Lake Camp Ground

During 2012 our water system violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took six samples to test for the presence of coliform bacteria during July 2012. Five of those samples showed the presence of total coliform bacteria. We took six samples to test for the presence of total coliform bacteria during August 2012. Five of those samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

#### What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

#### What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves. *\*Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.\**

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

#### What is being done?

[Describe corrective action.]

Further testing shows that this problem has been resolved.  
For more information, please contact Ty Gerbracht at 605-574-4402.

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by Cook Lake Camp Ground.  
State Water System ID#: WY5680010 Date distributed: \_\_\_\_\_.

## Template on Reverse

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least seven days (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in italics (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for Cook Lake Camp Ground Water System

Our water system violated drinking water standards during 2011 and 2012. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the 2<sup>nd</sup> quarter of 2011 (April – June, and during September 2012 we did not complete monitoring and reporting requirements for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Total Coliform Bacteria	2 samples during each of 2 <sup>nd</sup> and 3 <sup>rd</sup> quarters	1	2 <sup>nd</sup> quarter of 2011 (April – June)	7/11/2011 8/1/2011
Total Coliform Bacteria	5 samples the month following a total coliform-positive routine sample	0	September 2012	No additional routine samples collected

#### What is being done?

[Describe corrective action.]

For more information, please contact Ty Gerbracht at 605-574-4402.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by the Cook Lake Camp Ground water system.  
State Water System ID#WY5680010  
Date distributed: \_\_\_\_\_.