



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

NOV 14 2006

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Crook County Commissioners  
c/o Harold "Stormy" Burch, Jr., Chair  
P.O. Box 37  
Sundance, WY 82729

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Cook Lake  
Campground, Black Hills National Forest  
PWS ID# WY5680010


Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order (order) to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally-elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an order to a public water supply system in your county.

An order is being issued under Section 1414 of the SDWA to Cook Lake Campground Public Water System, Black Hills National Forest, Wyoming. This order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. § 141.63 for failure to comply with the total coliform Maximum Contaminant Level.

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 Jeff McPherson at (303) 312-6362.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

NOV 14 2006

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

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

Re: Administrative Order  
Cook Lake Campground  
Docket No. SDWA-08-2007-0008  
PWS ID # WY5680010

Dear Mr. Bobzien:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, et seq., and its implementing regulations. Among other things, the Administrative Order finds that Cook Lake Campground Water System is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. § 141.63 for failure to comply with the total coliform Maximum Contaminant Level (MCL).

The Black Hills National Forest, U.S. Department of Agriculture Forest Service (USDA Forest Service) is the owner and/or operator of the Cook Lake Campground water system. If the USDA Forest Service complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Jeff McPherson at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. McPherson at (800) 227-8917, extension 6362, or (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. McPherson. If you are represented by an attorney or have legal questions, please call Amy Swanson at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

Order

cc: Brian Beam, Forest Engineer  
WDEQ (via email)  
WDH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2006 NOV 14 AM 8:49

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )  
)  
USDA Forest Service Black Hills )  
National Forest - Cook Lake )  
Campground )  
Crook County, Wyoming )  
)  
Respondent )  
)  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0008**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The United States Forest Service (Respondent) is a Federal Agency and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system; the Cook Lake Campground Water System (System), located in

Crook County, Wyoming, for the provision to the public of piped water for human consumption.

3. The System regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a July 2004 sanitary survey by Water Connections (an agent for EPA), Respondent operates a system that is supplied solely by a ground water source consisting of two wells operating since 1987, and serves approximately 57 persons through 2 service connections seasonally from May 1 to September 30.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires non-community public water systems with an average daily population of less than 1,001 to monitor the water at least once per quarter to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during August 2005 and June 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g), IT IS ORDERED:

1. Within 60 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be prior to opening for the 2007 season) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. EPA approval does not preclude the need to obtain State approval for improvements to the water system.

2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 180 days of the date of this Order, and by the end of each calendar quarter thereafter, Respondent shall submit to EPA quarterly reports on the progress made toward bringing Respondent's system into compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63.
4. Reporting requirements specified in this Order shall be provided by certified mail to:

Jeff McPherson

U. S. EPA Region 8 (8ENF-W)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the SDWA, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section

1414(g)(3)(C) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance.

Issued this 14<sup>th</sup> day of November, 2006.

Michael T. Risner

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice