



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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SEP 13 2011

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Joe Alexander, Forest Supervisor
USDA Forest Service, Shoshone National Forest
808 Meadow Lane Avenue
Cody, WY 82414

RE: Violation of Administrative Order
Docket No. SDWA-08-2011-0019
Rex Hale Camp Ground Public Water System
PWS ID #WY5680224

Dear Mr. Alexander:

On February 3, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2011-0019, ordering the USDA Forest Service, Shoshone National Forest, as owner and/or operator of the Rex Hale Camp Ground public water system (system), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq.

Our records indicate that Shoshone National Forest (Respondent) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from paragraphs 12 and 13 on page 2 of the Order):

1. *Respondent shall comply with the total coliform MCL [maximum contaminant level].*

A routine sample collected by Respondent on June 8, 2011, tested total coliform-positive. Four additional (repeat) samples collected by Respondent on June 13, 2011, also tested total coliform-positive. In addition, a routine sample collected by the Respondent on August 2, 2011, tested total coliform-positive. Two additional (repeat) samples collected by Respondent on August 8, 2011, also tested total coliform-positive. As greater than one routine or repeat sample tested positive for total coliform bacteria during June and August, 2011, the MCL for total coliform bacteria was exceeded during those months.

2. *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 EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before any construction or system modifications may begin. 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.

As of the date of this letter Respondent has not provided EPA with a compliance plan and schedule for the Rex Hale Camp Ground public water system. EPA understands from the system operator, Recreation Technician Justin Hawkins that, following a conversation with EPA on February 7, 2011, system management understood that the above requirement no longer applied. However, EPA reiterates that a compliance plan and schedule is indeed required to address total coliform MCLs at the Rex Hale Camp Ground public water system and requests that the Shoshone National Forest submit this as soon as possible.

EPA is considering additional enforcement action as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Eduardo Quintana, Enforcement Attorney, at 1-800-227-8917, extension 6924 or (303) 312-6924 or at the following address:

Eduardo Quintana
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice