



REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129

September 20, 2024

Ref: 8WD-SDR

SENT VIA EMAIL

Shoshone NF-Fox Creek CG
c/o Jayson Thompson
203a Yellowstone Ave.
Cody, Wyoming 82414
jayson.thompson@usda.gov

Re: Notice of Noncompliance
Revised Total Coliform Rule
Failure to Conduct Level 1 Assessment
PWS ID# WY5680236 NC

Dear Jayson Thompson:

The purpose of this letter is to inform you that Shoshone NF-Fox Creek CG has failed to submit a Level 1 Assessment to EPA by **September 16, 2024**, as required by 40 C.F.R. § 141.859-141.860 of the National Primary Drinking Water Regulations (NPDWR). Level 1 Assessments are triggered when the water system has multiple total coliform positive results in the same month or the system has failed to collect all required repeat samples after a total coliform positive routine sample. The Level 1 Assessment was due within 30 days after monitoring results triggered the Assessment.

If you completed the Level 1 Assessment, please forward a copy to our office using one of the methods listed below. Include your PWS name and PWS ID# on all correspondence.

Email: R8DWU@epa.gov

Fax: 1-877-876-9101

Mail: Refer to the address at the top of this letter. Use Mail Code 8WD-SDR on the envelope.

If you cannot provide the Level 1 Assessment for this time period, this is a violation of NPDWR. If not already done, please take the following actions:

- (1) Complete a Level 1 Assessment and send it to EPA via one of the above methods within 30 days of receiving this letter. A blank Level 1 Assessment form is attached. A Microsoft Word version of the form is available at <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-level-1-assessment-form>.
- (2) Within 30 days, notify your customers of this treatment technique violation by posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); **and**
- (3) You must also use any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers). Enclosed is a copy of a public notice that meets all of the Federal requirements or you may consult Template 2-21 at the following website:
<https://www.epa.gov/dwreginfo/public-notification-instructions-and-templates-revised-total-coliform-rule-rtcr>.
- (4) Please forward a copy of your public notice to our office within ten days of completion.

You should be aware that repeated violations of the National Primary Drinking Water Regulations may result in formal enforcement action taken against your water system. If formal enforcement action becomes necessary, the Safe Drinking Water Act provides for civil penalties of up to \$69,733 per day of violation. We prefer to address problems before such formal enforcement is necessary and ask for your cooperation to resolve problems quickly and effectively.

If you have any questions, please contact Jamie Harris at 303-312-6072 or by email at harris.jamie@epa.gov.

Sincerely,

**SETH
TOURNEY**

Seth Tourney, P.E.
Supervisor, Rule Implementation Section
Drinking Water Program

Digitally signed by SETH
TOURNEY
Date: 2024.09.20 07:01:34
-06'00'

Enclosure(s)

cc:

Rudy Batista, Forest Engineer
Shoshoni NF Wapiti District
rudy.batista@usda.gov

Trent Dunn, Lead Forestry Tech
USFS Shoshone NF
trent.dunn@usda.gov

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Failed to Perform Activities Required to Address

[Water System Name]

Coliform Bacteria Contamination of the Water System

During recent routine monitoring, our water system tested positive for total coliforms. **Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution.*

*When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found. * We failed to conduct the required assessment by _____.*
[date assessment was due]

As our customers, you have a right to know what happened and what we are doing to correct this situation.

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, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare provider about drinking this water. You should also seek advice from your healthcare provider about using the water if you have an infant. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

Since total coliform bacteria are generally not harmful themselves, this is not an emergency. If it had been you would have been notified within 24 hours.

Failure to identify and correct the defects has the potential to cause continued distribution system contamination. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

What is being done?

[Describe corrective action including when your water system expects to return to compliance or resolve the violation.]

For more information, please contact _____ at _____.
[name of contact] [phone number] or [mailing address]

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 _____ State Water System ID#: _____.
[water system name] [PWSID]

Date distributed: _____.

Instructions for Public Notification

Description of Violation or Situation

Beginning April 1, 2016, a public water system triggers a Level 1 assessment when:

- For systems taking 40 or more samples (including routine and repeat samples) per month, the public water system exceeds 5.0 percent total coliform-positive samples for the month;
- For systems taking fewer than 40 samples (including routine and repeat samples) per month, the public water system has two or more total coliform-positive samples in the same month; or
- The public water system fails to take every required repeat sample after any single routine total coliform-positive sample.

Treatment technique (TT) violations related to triggered assessments occur when any public water system has:

- Failed to conduct the triggered Level 1 or Level 2 assessment within 30 days after learning that it has exceeded the trigger; or
- Failed to correct any sanitary defect found through a Level 1 or Level 2 assessment within 30 days or in accordance with a schedule acceptable to EPA.

TT violations related to any Level 1 assessment or to a Level 2 assessment that is *not* triggered by an *E. coli* MCL violation require similar Tier 2 public notice.

You must provide public notice to persons served as soon as practical but **no later than 30 days after you learn of the violation** [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Check with EPA to make sure you meet all requirements.

Community water systems (CWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill (if delivered within 30 days of the violation)
- Another method approved in writing by the EPA

Non-community water systems (NCWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by the EPA

In addition, both CWSs and NCWSs 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, EPA recommends printing 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 public notice elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below). All posted notices must remain in place for as long as the violation or situation persists but in no case for less than seven days, even if the violation or situation is resolved.

Mandatory Language

Mandatory language on health effects (from Appendix B to 40 CFR 141 Subpart Q) must be included as written and is presented in this notice in italics with an asterisk on each end.

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.

You are also required to include one or both of the following statements, also presented in this notice in italics with an asterisk on each end, as appropriate for the violation:

We failed to conduct the required assessment.

We failed to correct all identified sanitary defects that were found during the assessment that we conducted.

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 provided below and presented in this notice in italics with an asterisk on each end.

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.

Corrective Action

The specific cause(s) of total coliforms in the distribution system that triggered the assessment will likely differ from system to system. Your notice must describe the corrective action(s) you are taking [40 CFR 141.205(a)(7)] to address the TT violation and when you expect to return to compliance or resolve the situation [40 CFR 141.205(a)(8)]. You can use one or more of the following statements, if appropriate, or develop your own text.

- We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions: [Describe corrective actions].
- To ensure that our water system is protected against contamination, we are working with EPA to implement the following corrective actions: [Describe corrective actions].
- We completed the required assessment and identified the cause of the sanitary defect to be addressed [describe the issue or problem found, for example, damage to the storage tank, a missing vent screen, etc.] We are currently correcting the problem on a schedule approved by EPA.

After Issuing the Notice

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to EPA within 10 days after the original or any repeat notice(s) [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved. See Template 1-6 of the Revised Public Notification Handbook (2nd Revision of Document: EPA 816-R-09-013, March 2010) and Template NC-7 of the Public Notification Handbook for Transient Non-community Water Systems, EPA 816-R-09-009, March 2010 for a “problem corrected” notice template.

Send the copy of your public notice and certification to:

Email: R8DWU@epa.gov (preferred)

Fax: 1-877-876-9101

Mail: Refer to the address at the top of your notice of violation letter. Use Mail Code 8WD-SDR on the envelope.

If you have questions about your Revised Total Coliform Rule violation, please call Jamie Harris, the RTCR Manager at 303-312-6072.

CERTIFICATION OF PUBLIC NOTIFICATION

I _____ certify that the attached public notice was issued from
(PWS Operator/Responsible Party)

_____ to _____. The notice attached was delivered by
(Date) (Date)

_____ for failure to complete a Level 1 Assessment that
(Describe method of delivery – by hand, mail, etc)

was due on _____.
(Date)

Signature _____ Date _____

Public Water System Name: _____ PWS ID Number: _____