



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 21 2013

Ms. Kathryn Douglass
Staff Counsel
Public Employees for Environmental
Responsibility
2000 P Street, NW
Suite 240
Washington, D.C. 20036

Dear Ms. Douglass:

Thank you for your letter regarding drinking water concerns associated with Public Water Systems in Missouri State Parks. As you requested, the U.S. Environmental Protection Agency, Region 7, has completed an enforcement review of Safe Drinking Water Act violations within Missouri State Parks. In our review, the EPA has found that the compliance record of public water systems associated with Missouri State Parks is both acceptable and commensurate with that of similar PWSs in the State. Further, the EPA has found that the Missouri Department of Natural Resources, acting as the primacy agency for ensuring compliance with the SDWA, has enforced terms of the SDWA consistently at state park PWSs as with other PWSs in the state, and in a manner consistent with the EPA's Drinking Water Enforcement Response Policy.

The SDWA authorizes the EPA to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA, states and water systems then work together to make sure that these standards are met. As you note, the EPA authorizes states to implement the SDWA regulations so long as the state adopts standards that are at least as stringent as the EPA's and ensures that all water systems within the state meet the standards. The MDNR has been granted primary enforcement authority to implement the SDWA.

The EPA's drinking water enforcement program utilizes a tool called the Enforcement Targeting Tool, which was developed under the ERP in order to identify and prioritize enforcement response to systems with the most severe noncompliance. For every PWS, the ETT assigns a point value to each SDWA violation, with the most serious violations assigned the highest point values; such violations are typically Maximum Contaminant Level violations for acute contaminants. Additional points are assigned to a PWS for longer duration violations. The PWSs that score 11 points or higher are considered a priority for enforcement under the ERP/ETT. The ERP states that primacy agencies should either return an enforcement priority system to compliance or issue formal enforcement orders to the PWS within two calendar quarters of its being identified as a priority. The ETT identifies priority systems for enforcement regardless of ownership. Historically, the majority of the enforcement actions are taken by the state primacy agencies (e.g., MDNR), however, the EPA retains independent enforcement authority under the SDWA where a state agency has failed to take appropriate or timely enforcement action. The



EPA regularly monitors the compliance status and enforcement actions at PWSs in Missouri to ensure appropriate actions are taken.

With MDNR's assistance, the EPA identified 49 PWSs located in and managed by the Missouri State Parks system (see enclosure). Except for one PWS (Roaring River State Park), these systems are classified as transient, non-community water system. In general, these systems are required to test for coliform bacteria and nitrates (acute contaminants).

The MDNR reports the following compliance statistics associated with bacteriological testing in 49 PWSs at these Missouri State Parks, compared to similar non-state park systems:

Year	% PWS with NO Coliform MCL Violations	
	MO State Parks PWSs	Non-State Park TNCWS
2009	98.0	84.1
2010	89.8	85.5
2011	93.9	83.6
2012	93.9	88.6

By this measure, compliance performance with the Total Coliform Rule by PWSs within Missouri State Parks is better than the compliance performance of similar Missouri systems since 2009.

The EPA also evaluated MDNR's enforcement of the SDWA at these 49 PWSs. Applying the EPA's ETT, only four State Parks PWSs had ETT scores exceeding 11 points in the period from January 2010 (when the ETT was initiated) to January 2013:

- Cuivre River State Park Camp Sherwood – Exceeded ETT of 11 points July 2012; Returned to compliance without formal enforcement in October 2012; One quarter of ETT exceedance.
- Cuivre River State Park Camp Derricotte - Exceeded ETT of 11 points January 2012; Returned to compliance without formal enforcement in October 2012; Three quarters of ETT exceedance.
- Bothwell Lodge State Historic Site - Exceeded ETT of 11 points January 2011; Returned to compliance without formal enforcement in April 2011; One quarter of ETT exceedance.
- St. Francois State Park - Exceeded ETT of 11 points October 2010; Returned to compliance without formal enforcement in April 2011; Two quarters of ETT exceedance.

In 637 quarters of monitoring (49 PWSs x 13 quarters), there were 7 quarters where PWSs in Missouri State Parks exceeded the EPA's threshold for being considered an "enforcement priority". There are currently no Missouri State Parks PWSs that score sufficiently to be considered an enforcement priority based on the January 2013 ETT.

As noted previously, the EPA's ERP indicates that primacy agencies should return to compliance, or issue formal enforcement orders to PWSs that are identified as enforcement priorities within two calendar quarters of being so identified. For three of the four PWSs described above, the MDNR documented that the PWS was returned to compliance within two quarters without formal enforcement orders being issued. The fourth PWS, Camp Derricotte, was documented as returned to compliance

within three quarters. While it may have been appropriate that a formal enforcement order be issued to Camp Derricotte in July 2012 under the terms of the ERP, the system was documented as returned to compliance by the third quarter.

Accordingly, the EPA finds no systematic absence of SDWA enforcement at non-compliant PWSs in Missouri State Parks.

In your letter, you raise some specific concerns with the three PWSs at the Cuivre River State Park. The EPA evaluated information in our database (Safe Drinking Water Information System – SDWIS), and in Missouri’s Drinking Water Watch database regarding the Cuivre River PWSs.

For the Camp Derricotte PWS, records indicate that the system has no open or outstanding violations, and that previous violations have been addressed, or “returned to compliance”. We do note that there was a history of Total Coliform Rule violations at the system in 2011 and 2012. It appears that these were addressed by the installation of a chlorination system in May 2012. Since that time, the database indicates that adequate chlorine residuals have been maintained in the distribution system, and there have been no subsequent TCR MCL violations. Based on the recent actions and history at the Camp Derricotte PWS, there are no current, outstanding violations, and no apparent reasons for any enforcement or other actions to address the PWS.

The Camp Sherwood PWS has some history of sporadic TCR violations, the most recent occurring in August 2012. We discussed this matter with the MDNR, who indicates that this violation has been addressed, and that the system subsequently sampled in September 2012, with no contamination detected. Routine sampling in October 2012 also indicated no contaminants detected. Based on this information, the EPA sees nothing to suggest enforcement is warranted at the PWS.

The Cuivre River Picnic Shelter PWS was once associated with the Camp Derricotte PWS, however, was separated as a unique PWS in 2004. Our records review indicates the PWS incurred a TCR monitoring violation in May 2011, which was subsequently addressed in July 2011. There have been no SDWA violations identified at the system since October 2011, and there are currently no open violations at the system. Based on this information, there is nothing to suggest enforcement at the system is warranted.

To summarize, the EPA has reviewed the compliance and enforcement status of PWSs subject to the SDWA at Missouri State Parks, per your request. Our finding is that such systems are generally compliant with the SDWA requirements, and have compliance rates commensurate with other, similar PWSs in Missouri. Given the compliance history of these PWSs, the EPA has not identified a significant driver for formal enforcement actions by the primacy agency. Further, when the SDWA violations have occurred, the primacy agency has, in general, taken measures to address the violations in a timely and appropriate manner. The EPA finds no systematic absence of the SDWA enforcement at non-compliant PWSs in Missouri State Parks.

If you would like to discuss this matter, please feel free to contact me at (913) 551-7782, or Neftali Hernandez Santiago, program contact, at (913) 551-7036 or Scott Marquess, enforcement contact, at (913) 551-7131.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. Flourney". The signature is written in black ink and is positioned above the printed name.

Karen A. Flourney

Director

Water, Wetlands and Pesticides Division

Enclosure

cc: John Madras, MDNR
Steve Sturgess, MDNR
John Fraga, MDNR

PWS	PWSName	County	Pop	Source	FedType	Disinfection
MO1120159	KNOB NOSTER STATE PARK CAMPGRD	JOHNSON	767	GW	TNC	YES
MO1122648	HARRY S TRUMAN STATE PARK MARINA	BENTON	58	GW	TNC	YES
MO1122649	HARRY S TRUMAN STATE PARK CAMPGRD	BENTON	500	GW	TNC	YES
MO1122654	KNOB NOSTER STATE PARK CLEARFORK	JOHNSON	104	GW	TNC	YES
MO1122655	KNOB NOSTER STATE PARK BOBWHITE	JOHNSON	300	GW	TNC	YES
MO1122656	KNOB NOSTER STATE PARK SHAWNEE	JOHNSON	160	GW	TNC	YES
MO3120151	BOTHWELL LODGE STATE HISTORIC SITE	PETTIS	117	GW	TNC	NO
MO3120156	HARRY S TRUMAN STATE PARK OFFICE	BENTON	94	GW	TNC	NO
MO3122153	HA HA TONKA STATE PARK	CAMDEN	250	GW	TNC	NO
MO4120067	HAWN STATE PARK	STE GENEVIEVE	275	GW	TNC	YES
MO4120154	ELEPHANT ROCKS STATE PARK	IRON	200	GW	TNC	YES
MO4120158	JOHNSON SHUTINS STATE PARK	REYNOLDS	74	GW	TNC	YES
MO4120161	LAKE WAPPAPELLO STATE PARK	WAYNE	125	GW	TNC	NO
MO4120163	MONTAUK STATE PARK	DENT	1200	GW	TNC	YES
MO4120167	ST FRANCOIS STATE PARK	ST FRANCOIS	125	GW	TNC	YES
MO4120170	TRAIL OF TEARS STATE PARK CAMPGRD	CAPE GIRARDEAU	500	GW	TNC	YES
MO4120180	TRAIL OF TEARS ST PARK VISITOR CENTER	CAPE GIRARDEAU	50	GW	TNC	YES
MO4121412	TAUM SAUK STATE PARK	IRON	25	GW	TNC	YES
MO4122074	ST JOE STATE PARK	ST FRANCOIS	25	GW	TNC	YES
MO5120148	BENNETT SPRING STATE PARK WELL 1	LACLEDE	322	GW	TNC	YES
MO5120165	POMME DE TERRE STATE PARK	HICKORY	199	GW	TNC	YES
MO5120166	ROARING RIVER STATE PARK	BARRY	750	GW	NTNC	YES
MO5120169	TABLE ROCK STATE PARK	TANEY	500	GW	TNC	YES
MO5122154	STOCKTON STATE PARK CAMPGRD	CEDAR	163	GW	TNC	YES
MO5122454	NATHAN BOONE STATE HISTORICAL SITE	GREENE	25	GW	TNC	NO
MO5122650	STOCKTON STATE PARK OFFICE	CEDAR	31	GW	TNC	YES
MO5122657	BENNETT SPRING STATE PARK WELL 2	LACLEDE	322	GW	TNC	YES
MO5122658	BENNETT SPRING STATE PARK WELL 3	DALLAS	151	GW	TNC	YES
MO5122661	LAKE OZARK STATE PARK HOMESTEAD	MILLER	501	GW	TNC	YES
MO5122662	LAKE OZARK STATE PARK ADMINISTRATION	MILLER	25	GW	TNC	YES
MO5122663	LAKE OZARK STATE PARK RISING SUN	CAMDEN	32	GW	TNC	YES
MO5122664	LAKE OZARK STATE PARK CLOVER POINT	CAMDEN	28	GW	TNC	YES
MO5122667	LAKE OZARK STATE PARK RED BUD	CAMDEN	25	GW	TNC	YES
MO5122669	LAKE OZARK STATE PARK OZARK CAVERNS	CAMDEN	50	GW	TNC	NO
MO5122670	LAKE OZARK STATE PARK OUTPOST	CAMDEN	25	GW	TNC	YES
MO6120055	CUIVRE RIVER STATE PARK CAMP DERRICOTTE	LINCOLN	25	GW	TNC	YES
MO6120147	BABLER STATE PARK	ST LOUIS	500	GW	TNC	YES
MO6120153	DILLARD MILL HISTORIC SITE	CRAWFORD	25	GW	TNC	NO
MO6120155	GRAHAM CAVE STATE PARK CAMPGROUND	MONTGOMERY	200	GW	TNC	YES
MO6120162	MERAMEC STATE PARK VISITOR CENTER	FRANKLIN	25	GW	TNC	YES
MO6120173	WASHINGTON STATE PARK	WASHINGTON	125	GW	TNC	YES
MO6120577	ROBERTSVILLE STATE PARK	FRANKLIN	50	GW	TNC	YES
MO6122199	ONONDAGA CAVE	CRAWFORD	50	GW	TNC	YES
MO6122651	MERAMEC STATE PARK DINING LODGE	FRANKLIN	100	GW	TNC	YES
MO6122652	MERAMEC STATE PARK CAMPGRD	FRANKLIN	138	GW	TNC	YES
MO6122653	MERAMEC STATE PARK HICKORY RIDGE	FRANKLIN	68	GW	TNC	YES
MO6122659	CUIVRE RIVER STATE PARK CAMP SHERWOOD	LINCOLN	29	GW	TNC	NO
MO6122660	CUIVRE RIVER STATE PARK PICNIC SHELTER	LINCOLN	250	GW	TNC	NO
MO6122671	GRAHAM CAVE STATE PARK OFFICE	MONTGOMERY	25	GW	TNC	YES