



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET – SUITE 300
DENVER, COLORADO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 20 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles R. Davis, Registered Agent
Chrysler-Dodge Country USA, Inc.
2900 N. Main Street
North Logan, UT 84341

Re: Amended Administrative Order
Docket No. SDWA-08-2010-0064
Chrysler-Dodge Country USA, Inc.
PWS ID #UTAH03061

Dear Mr. Davis:

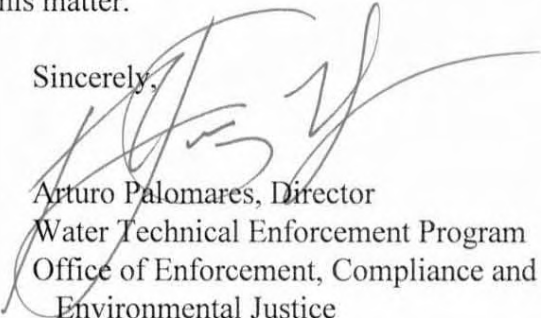
Enclosed is an Amended Administrative Order (Order) which amends the Administrative Order EPA issued to Chrysler-Dodge Country USA, Inc. (Chrysler-Dodge) on September 9, 2010. The Order has been amended to allow Chrysler-Dodge the option to discontinue use of Chrysler-Dodge's well for drinking water purposes and connecting to a municipal water system (North Logan City) in lieu of monitoring to return to compliance with the drinking water regulations. The 2009 failure to monitor nitrate violation was also removed due to EPA's receipt of the analysis after the Order was issued. This letter also serves the purpose of correcting the PWS ID# on the cover letter to the original Order to UTAH03061.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Chrysler-Dodge complies with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

If you have any questions regarding this amendment contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can 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

Enclosure

cc: N. George Daines, Daines & Jenkins LLP
Patti Fauver, UT DEQ DW Rules Section Manger
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 OCT 20 PM

FILED
EPA REGION V
HEARING CLERK

IN THE MATTER OF:)
)
Chrysler-Dodge Country USA, Inc.,)
)
Respondent.)

Docket No. SDWA-08-2010-0064

AMENDED
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.* (the Act), as properly delegated to the undersigned officials.
2. Chrysler-Dodge Country USA, Inc. (Respondent) is a Utah corporation that owns and/or operates the Chrysler-Dodge Country Water System (the system) which provides piped water to the public in Cache County, Utah, for human consumption.
3. The system is supplied by a groundwater source consisting of one well. The water is not treated.
4. The system has 1 service connection and/or regularly serves an average of approximately 25 of the same individuals daily for at least 6 months 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 was previously designated as a non-community system but was determined to be a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2 on January 25, 2009.
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 Utah Department of Environmental Quality (UTDEQ) has primary enforcement authority for the Act in the State of Utah (State). EPA issued a notice of the system's violations to the State regarding the violations at the system on August 3, 2010. The State elected not to commence an enforcement action against the Respondent for the violations within the thirty-day timeframe set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order pursuant to Section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

VIOLATIONS

7. Respondent is required to monitor the system's water for certain synthetic (pesticide/herbicide) organic contaminants for four consecutive quarters. 40 C.F.R. § 141.24(h). Respondent failed to monitor the system's water for synthetic organic contaminants during the 1st (January-March), 2nd (April-June), 3rd (July-September), and 4th (October-December) quarters of 2009, and the 1st (January-March) and 2nd (April-June) quarters of 2010 and, therefore, violated this requirement.

8. Respondent is required to monitor the system's water at least annually for volatile organic contaminants. 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the system's water for volatile organic contaminants during 2009 and, therefore, violated this requirement.
9. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2005, 2006, and 2008 and, therefore, violated this requirement.
10. Before beginning required monitoring for lead and copper, in order to identify sampling sites, Respondent is required to complete a materials evaluation of the system's distribution system. 40 C.F.R. § 141.86(a). The materials evaluation includes the information on lead, copper, and galvanized steel in the system's pipes that is required to be collected under 40 C.F.R. § 141.42(d). Respondent failed to complete a materials evaluation and to select lead and copper sampling sites and, therefore, violated this requirement.
11. Respondent is required to monitor the system's tap water for lead and copper during 2 consecutive 6-month monitoring periods. 40 C.F.R. § 141.86(d). Respondent failed to monitor the system's water for lead and copper during the January-June 2010 period and, therefore, violated this requirement.
12. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the 1st and 2nd quarter 2009 violations cited in paragraph 7 and the violations prior to 2009 cited in paragraph 9 and, therefore, violated this requirement. The deadline for completing public notice for all other violations cited is not yet past due.
13. Respondent is required to report any failure to comply with any of the drinking water regulations to the State 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 listed in paragraphs 7 through 12 above to the State 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. Within 30 days of receipt of this Order, Respondent shall monitor the system's water for pesticide/herbicide contaminants, and during each of the following 3 consecutive quarters, and thereafter in compliance with 40 C.F.R. § 141.24. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which each sample result is received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the pesticide/herbicide monitoring requirements to EPA and the State within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

15. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondent shall monitor for volatile organic contaminants in compliance with 40 C.F.R. § 141.24. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which each sample result is received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the volatile organic contaminant monitoring requirements to EPA and the State within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

16. Respondent shall monitor the system's water for nitrate as required by the regulations at 40 C.F.R. § 141.23. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the nitrate monitoring requirements to EPA and the State within 48 hours of the violation occurring as required by 40 C.F.R. § 141.31(b).

17. Within 30 days of receipt of this Order, Respondent shall complete a materials evaluation and select appropriate lead and copper sampling sites as required by 40 C.F.R. §§ 141.42(d) and 141.86(a) and shall submit this information to EPA and the State.

18. Respondent shall monitor the system's water for lead and copper, first within 60 days of receipt of this Order, again between January 1, 2011-June 30, 2011, and thereafter as directed by the State in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA and the State within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Within 30 days of receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 11 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA and the State.

20. In lieu of performing the above monitoring within the timeframes specified, within 15 days of receipt of this Order Respondent may submit to EPA and the State a plan to discontinue use of the system well for drinking water purposes and to connect to a municipal water system, with a completion date within three months of receipt of this Order. Submittal of the plan to EPA does not substitute for any State approval of plans and specifications that may also be required before modifications may be made to the system.

21. Reporting requirements specified in this Order shall be provided by certified mail to:

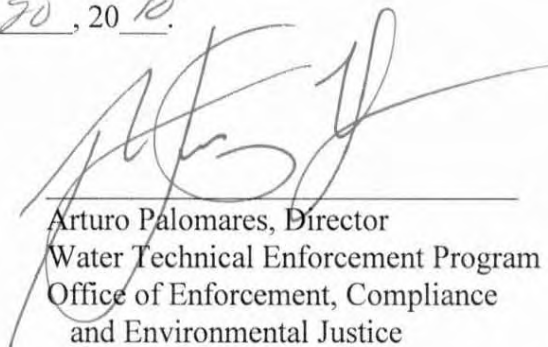
Kathelene Brainich, 8ENF-W	AND	Patti Fauver, Rules Section Manager
U. S. EPA Region 8		UTDEQ, Drinking Water
1595 Wynkoop Street		POB 144830
Denver, CO 80202-1129		Salt Lake City, UT 84114-4830

GENERAL PROVISIONS

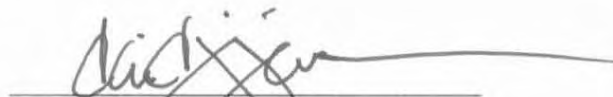
22. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

23. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: October 20, 2010.



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



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