



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
POB 144830
Salt Lake City, UT 84114-4830

NOTICE OF VIOLATION

Docket No. SDWA-08-2007-0010

Dutch John
POB 192
Dutch John, Utah 84023
PWS# UTAH05001

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of inadequate disinfection byproduct precursor removal and failure to monitor total organic carbon (TOC), nitrate, pesticides, and total coliform. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation. A Notice of Violation and Administrative Order were issued to this system in 2004 for other violations and remains in effect.

Table with 2 columns: Date of Violation, Violation. Rows include: 3rd, 4th quarter 2005 / 1st, 2nd, 3rd quarter 2006 - Inadequate disinfection byproduct precursor removal (TOC); 4th quarter 2005 - Failure to monitor for TOC; 2003, 2005 - Failure to monitor for nitrate.



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2003-2005 2000-2002	Failure to monitor for pesticides
February 2006 May 2004	Failure to monitor for total coliform
2002-2005	Failure to provide public notice of violations
2002-2006	Failure to notify the State of violations

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with the regulations or other requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b). A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above.

If the State of Utah elects not to commence an appropriate enforcement action against Dutch John within thirty days from receipt of this Notice of Violation for the violations contained herein, and pursuant to section 1414(g)(2) of the SDWA, 42 U.S.C. § 300g-3(g)(2), this letter also serves to provide the State of Utah with an opportunity to confer with the United States Environmental Protection Agency (EPA) regarding an administrative order ("Order") that EPA may issue to Dutch John to address the violations. EPA is sending this letter to the State of Utah Department of Environmental Quality since it has primacy enforcement responsibility for public water systems in the State of Utah.

Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement

action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kathelene Brainich at (303) 312-6481.

Sincerely,



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



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

Enclosure

cc: Wesley Scott Slaugh, Dutch John – via Certified Mail, Return Receipt Requested
Ken Bousfield, UT.DEQ DW

U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at:
<http://www.assistancecenters.net>

Metal Finishing

(1-800-AT-NMFRC or www.nmfr.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbr.org)

Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

Transportation Industry

(1-888-459-0656 or www.transource.org)

Paints and Coatings

(1-800-286-6372 or www.paintcenter.org)

Construction Industry

(www.cicacenter.org)

Automotive Recycling Industry

(www.ecarcenter.org)

US / Mexico Border Environmental Issues

(www.bordercenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>) and

Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>).

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.