



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SEP 17 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John D. Carlon, Owner  
Paradise RV Park Public Water System  
P. O. Box 655  
Panguitch, UT 84759

Re: Administrative Order  
Docket No. **SDWA-08-2009-0067**  
PWS ID # UTAH09069

Dear Mr. Carlon:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Among other things, the Order describes how you, as owner of the Paradise RV Park Public Water System, have violated the National Primary Drinking Water Regulations.

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 you comply 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.

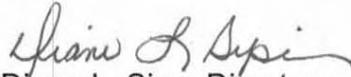
The Order requires you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template to assist in providing that notice.

To submit information or request an informal conference with EPA, contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. 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,



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

Enclosures

Order  
Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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IN THE MATTER OF )  
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John D. Carlon, Owner )  
Paradise RV Park Public Water System )  
Panguitch, Utah )

Respondent. )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2009-0067**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. John D. Carlon (Respondent) is an individual who owns and/or operates the Paradise RV Park Public Water System (the system) in Garfield County, Utah, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves an average of 25 people daily through 34 service connections from May 15 through November 15 each year. The system is a "transient non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

3. The Utah Department of Environmental Quality has primary enforcement authority for the Act in the State of Utah (State). On July 22, 2009, EPA issued a Notice of Violation to the State regarding the violations at the system. The State elected not to commence an enforcement action against the system 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 as well as 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**

4. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL). 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2007 and 2008, and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water at least once per quarter, during the 2<sup>nd</sup> (April – June), 3<sup>rd</sup> (July – September), and 4<sup>th</sup> (October – December) quarters of each year to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during 3<sup>rd</sup> quarter 2007, and, therefore, violated this requirement. EPA was informed by Respondent that the system was not open to the public during the 4<sup>th</sup> quarters of 2005 - 2007.

6. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 et seq. Respondent failed to notify the public of the violations listed in paragraphs 4 and 5 above and, therefore, violated this requirement. Public notice for the failure to monitor nitrate in 2008 is not yet overdue.

7. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraph 5 above and, therefore, violated this requirement.

8. Respondent is required to report any other failure to comply with any of the drinking water regulations to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 4 above to the State and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent unless another deadline is specified:

9. Respondent shall monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d).

10. Respondent shall monitor at least once per quarter, during the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of each year, for total coliform bacteria. 40 C.F.R. § 141.21. Any violation of total coliform monitoring requirements shall be reported to EPA and the State within 10 days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

11. Within 30 days, Respondent must provide public notice of the violations specified in paragraphs 4 and 5 above. 40 C.F.R. §§ 141.201, 141.204 and 141.205. Respondent shall provide this notice by (1) posting the notice for as long as the violations persist, but no less than seven days in public locations where it can be seen by people served in the system OR (2) mailing or delivering the notice to each customer and connection, AND (3) any other effective method if people would not be notified by either of the first two notice options. 40 C.F.R. § 141.201 et seq. Specific notice requirements can be found in the attached public notice sample. Respondent shall notify the public of any future violations. Respondent shall send a copy of the notice to EPA and the State within 10 days after providing the notice. 40 C.F.R. § 141.31(d).

12. Respondent shall report any other violation of the drinking water requirements to EPA and the State within 48 hours. 40 C.F.R. § 141.31(b).

13. Respondent shall report any analytical results to EPA and the State within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

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

Shawn McCaffrey, 8ENF-W AND  
U. S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Patti Fauver, Rules Section Manager  
Dept. Environmental Quality  
P.O. Box 144830  
Salt Lake City, UT 84114-4830

### GENERAL PROVISIONS

15. This Order does 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.

16. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 17<sup>th</sup> day of September, 2009

*David Rochlin*

David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

*Diane L. Sipe*

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

## TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

**Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).**

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*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.*

### Templates

Monitoring Violations Annual NoticeBTemplate 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- X We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- X We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- X We plan to take the required samples soon, as described in the last column of the table above.

**After Issuing the Notice**

**Make sure to send EPA Region 8 a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

Shawn McCaffrey  
US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ To \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements Not Met for Paradise RV Park**

Our water system violated a drinking water standard over the past two years. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to monitor for total coliform during 3<sup>rd</sup> quarter 2007. We also failed to monitor for nitrates in 2007 and 2008.

**What should I do?**

**There is nothing you need to do at this time.**

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Failure to monitor for total coliform	Quarterly	3 <sup>rd</sup> quarter 2007	Quarterly
Failure to monitor for nitrates	Annual	2007 and 2008	Annually

**What happened? What is being done?**

For more information, please contact [name and number of contact person] \_\_\_\_\_ or [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 **Paradise RV Park**  
 State Water System ID#: **UTAH09069**

Date distributed or dates posted: \_\_\_\_\_