



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W

OCT - 7 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Bousfield, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2009-0001**
Lake Powell Junction, LLC
96 South Main
Alpine, UT 84004
PWS ID# UTAH09084

Dear Mr. Bousfield:

On January 23, 2007, EPA issued an Administrative Order, Docket No. SDWA-08-2007-0001 to Lake Powell Management. Recently EPA has learned that Lake Powell Junction, LLC is the owner and operator of the Lake Powell Junction and Storage public water system (also known as "Bullfrog Junction"). In light of this new information, EPA is closing the previous Administrative Order and is now issuing a new Notice of Violation to Utah Department of Environmental Quality and will subsequently issue a new Administrative Order to Lake Powell Junction, LLC.

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 at Lake Powell Junction consist of failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to monitor for nitrate, and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate

the violations noted below. Please have your staff notify Kimberly Pardue Welch at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of Violation</u>	<u>Violation</u>
4 th quarter 2003, 2 nd , 3 rd , and 4 th quarters 2005, 1 st , 2 nd , and 3 rd quarters 2006, and 4 th quarter 2007	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
June 2004	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
July 2004 (System incorrectly took 4 samples)	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2003, 2004, and 2005	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)]
2002 – 2006	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.31(b), 141.21(g)(2)]

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 requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with Ms. Pardue Welch 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.

A copy of this Notice of Violation has been concurrently sent to the system identified above. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation.

EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



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



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

cc:

Patti Fauver, UT DEQ DW
Scott Jorgensen, Lake Powell Junction, LLC (via certified mail w/ return receipt)
Tina Artemis, EPA Region 8 Regional Hearing Clerk