



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JAN - 5 2012

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carol Wilde, Registered Agent
Woodenshoe Pipeline Company
4700 N. Woodenshoe
Peoa, UT 84061

Re: Administrative Order
Woodenshoe Pipeline Company
Public Water System
Docket No. SDWA-08-2012-0006
PWS ID #UTAH22058

Dear Ms. Wilde:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Woodenshoe Pipeline Company (the Company) has violated the National Primary Drinking Water Regulations at 40 C.F.R. Part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have. If the Company complies with the Order, the 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.

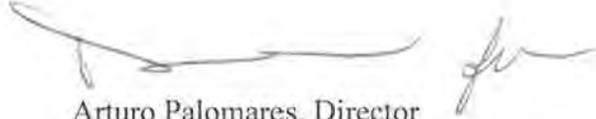
The Order requires the Company to notify the public of having violated the Drinking Water Regulations. Enclosed please find two public notice templates explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please 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. Any questions from the Company's attorney should be directed to Charles Figur, Enforcement Attorney, who may be reached

at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6915 or (303) 312-6915.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written over a horizontal line.

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

Enclosures (2)

Order

Public Notice Templates

cc: John Field, President, Wooden Shoe Water Company
Patti Fauver, UT DEQ Drinking Water
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 JAN -5 AM 9:01

IN THE MATTER OF:)
)
Woodenshoe Pipeline Company)
)
Respondent.)

Docket No. SDWA-08-2012-0006

FILED

EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

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 (Act), 42 U.S.C. § 300g and § 300j-4, as properly delegated to the undersigned officials.
2. Woodenshoe Pipeline Company (Respondent) is a Utah corporation that owns and/or operates the Woodenshoe Water System (System), which provides piped water to the public in Summit County, Utah, for human consumption.
3. The System is supplied by one spring that is not treated. The System was notified by the Utah Department of Environmental Quality (DEQ) by letter dated October 29, 2007, of the determination that System's source water is ground water under the direct influence of surface water.
4. The System has approximately 19 service connections used by year-round residents and regularly serves an average of approximately 76 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
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 DEQ has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. EPA issued a notice of the System's violations to the State on December 1, 2011. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the thirty-day time frame 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 the EPA regarding this Order.

VIOLATIONS

7. Despite having been notified by DEQ's October 29, 2007, letter that the System's water source had been determined to be directly under the influence of surface water and that the System was required to either install disinfection and filtration, permanently connect to an alternate source, or redevelop the source to eliminate surface water influence within 18 months of the date of the letter, Respondent has not done so and, therefore, has violated this requirement from April 29, 2009 to the present. 40 C.F.R. Part 40, Subparts H and T.

8. Respondent was required by January 1, 2010, to develop a sampling plan and by April 1, 2010 to begin initial source water monitoring or to notify the State in writing of its intent to achieve a total of at least 5.5 logs of *Cryptosporidium* reduction by October 1, 2014. 40 C.F.R. Part 141, Subpart W. Respondent failed to develop a sampling plan by January 1, 2010, and monitor the System's source water or to notify the State of its intent to achieve the required *Cryptosporidium* reduction from April 1, 2010 to the present, and, therefore, violated these requirements.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the month of January 2011, and, therefore, violated this requirement.

10. Respondent is required to conduct initial quarterly monitoring of the System's water for radium-228. 40 C.F.R. § 141.26(a). Respondent monitored for radium-228 in May 2009, but failed to monitor the System's water for radium-228 during the 4th quarter of 2009, the 1st through 4th quarters of 2010, and the 1st through 3rd quarters of 2011 and, therefore, violated this requirement.

11. 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 2009, and, therefore, violated this requirement. (Respondent monitored for nitrate on September 7, 2010.)

12. Respondent is required to monitor the System's water for certain inorganic contaminants triennially. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the System's water for inorganic contaminants during the 2008-2010 monitoring period, and, therefore, violated this requirement. Respondent completed the required monitoring on April 5, 2011.

13. Respondent is required to monitor the System's water for certain synthetic (pesticide/herbicide) organic contaminants triennially. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during the 2005-2007 monitoring period, and, therefore, violated this requirement. (Respondent completed the required monitoring on September 2, 2008.)

14. Respondent is required to monitor the System's water triennially for lead and copper and to collect at least 5 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondent most recently monitored the System's water for lead and copper in 2005. The next sampling was to be done between June 1 and September 30, 2008, and again in 2011. Respondent failed to monitor the system's water for lead and copper during these periods and, therefore, violated this requirement.

15. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to DEQ that it has done so. 40 C.F.R. §§ 141.151-141.155. Respondent's annual CCR must also include, among other things, information on drinking water violations that occurred during the year covered by the report. 40 C.F.R. § 141.153(f). Respondent failed to include the required information on the violations

listed in paragraphs 7 and 8, and 10 through 14, above, in its CCRs for calendar years 2007 through 2010 and, therefore, violated this requirement.

16. Respondent is required to notify the public of certain violations of the Drinking Water Regulations and repeat the notice every three months as long as the violation exists. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7 and 8, and 10 through 14, above, and, therefore, violated this requirement.

17. Respondent is required to report any failure to comply with any Drinking Water Regulation to the DEQ 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 violations cited in paragraphs 7 and 8, and 10 through 16, above, to the DEQ and, therefore, violated this requirement.

18. Respondent is required to report any failure to comply with any coliform monitoring requirement to the DEQ within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 9, above, to the DEQ 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):

19. Within 90 days after receipt of this Order, Respondent shall provide the EPA and the DEQ with a schedule for Respondent to come into compliance with 40 C.F.R. Part 141, Subparts H and T, either by meeting the filtration and disinfection or filtration avoidance requirements, switching permanently to an alternate source of water that is not subject to these requirements, or by redeveloping the source to eliminate surface water influence. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with 40 C.F.R. Part 141, Subparts H and T. The proposed schedule shall include specific milestone dates and a final compliance date to be within 15 months from the date of EPA's approval of the plan and schedule. The plan and schedule must be approved by EPA before construction or modifications can begin. The EPA's approval of Respondent's plan and schedule does not substitute for any State of Utah approval of plan and specifications that may also be required before modifications may be made to the System.

Respondent's plan must also include corrections to the two significant deficiencies identified by the DEQ in its sanitary survey of October 4, 2011: the System has less than 40% of the required water storage; and not all areas of the System are capable of providing sufficient water during maximum hourly demand conditions to maintain a minimum pressure of 20 psi. (40 C.F.R. § 141.403(a)(5)).

If Respondent chooses to come into compliance by installing filtration and/or disinfection, the treatment plant must be operated by qualified personnel who meeting requirements specified by the State upon treatment plant completion as required by 40 C.F.R. 141.70(c).

20. The plan and schedule required by paragraph 19, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

21. Within 90 days after receipt of EPA's approval of the plan and schedule required by paragraph 19 above, Respondent shall provide the EPA and the DEQ with quarterly reports on the progress made toward bringing the system into compliance with 40 C.F.R. Part 141, Subparts H and T. Each quarterly report is due by the 10th day of the month following the end of the relevant quarter.

22. Respondent must achieve and maintain compliance with 40 C.F.R. Part 141, Subparts H and T by the final date specified in the approved plan, or no later than 15 months after receipt of EPA's approval of the plan and schedule required by paragraph 19 above, whichever is earliest. Respondent must meet that deadline even if the plan as approved does not achieve compliance. If implementation of the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

23. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21.

24. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for radium-228. 40 C.F.R. § 141.26(a).

25. Respondent shall monitor the System's water for nitrate as required by the Drinking Water Regulations. 40 C.F.R. § 141.23.

26. Respondent shall monitor the System's water for inorganic contaminants as required by the Drinking Water Regulations. Respondent is next required to sample for inorganic contaminants during the 2014-2016 monitoring period. 40 C.F.R. § 141.23(a) and (c).

27. Respondent shall monitor the System's water for pesticide/herbicide contaminants as required by the Drinking Water Regulations. 40 C.F.R. § 141.24(h). Respondent is next required to sample for pesticide/herbicide contaminants during the 2011-2013 monitoring period.

28. Respondent shall monitor the System's water for lead and copper as required by the Drinking Water Regulations. 40 C.F.R. § 141.86(b), (c) and (d). Respondent is next required to sample for lead and copper between June 1, 2012, and September 30, 2012. Respondent shall report analytical results to the DEQ within the first 10 days following the end of the monitoring period as required by 40 C.F.R. §141.90, and provide a copy of the results to the EPA.

29. Within 30 days after receipt of this Order, Respondent shall revise the System's CCR for 2009 and 2010 to include all information required by 40 C.F.R. § 141.153, provide the revised CCR to the System's customers, certify to the DEQ that it has done so, and provide a copy of the CCR and certification to the EPA. Thereafter, Respondent shall prepare and distribute complete annual CCRs and provide certifications to the DEQ as required by 40 C.F.R. § 141.151-155 and provide a copy to the EPA.

30. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 7-14, above, and repeat the notice every three months as long as the violations exist, following the instructions provided with the public notice templates provided to Respondent with this Order. Respondent's compliance with paragraph 29, above, can be used for compliance with this paragraph for the 2009 and 2010 violations. 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 after providing public notice, Respondent shall provide the DEQ with a representative copy of each public notice and a certification of having provided public notice in full compliance with the Drinking Water Regulations, as required by 40 C.F.R. § 141.31(d). Respondent shall provide a copy of the public notice and certification to the EPA.

31. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondent shall report all analytical results to the DEQ within the first 10 days following either (1) the month in which the result is received; or (2) the end of the required monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a). Respondent shall provide a copy of all results to the EPA.

32. Respondent shall report any violation of the Drinking Water Regulations to the DEQ as required by 40 C.F.R. § 141.31(b), and to the EPA within 48 hours of the violation occurring. However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

33. Respondent shall report any violation of the coliform monitoring requirements to the DEQ as required by 40 C.F.R. § 141.21(g)(2) and to the EPA within 10 days after discovering the violation.

34. Respondent shall direct all reporting required by this Order to both:

Kathelene Brainich
U.S. EPA Region 8 (8ENF -W)
1595 Wynkoop Street
Denver, CO 80202-1129

AND

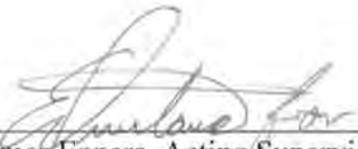
Patti Fauver, Rules Section Manager
Utah DEQ Drinking Water
POB 144830
SLC, UT 84114-4830

GENERAL PROVISIONS

35. 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 the EPA to forgo any civil or criminal action.

36. 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 per violation. 42 U.S.C. § 300g-3; 40 C.F.R. Part 19.

Issued: January 5, 2012


James Eppers, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

WOODENSHOE WATER COMPANY Does Not Meet Treatment Requirements

Our water system continues to violate a drinking water requirement. Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do, and what we did (are doing) to correct this situation.

On October 29, 2007, the Utah Department of Environmental Quality notified us that the drinking water source has been determined to be directly under the influence of surface water and required us to either install disinfection and filtration, permanently connect to an alternate source, or redevelop the source to eliminate surface water influence by April 29, 2009. However, we have not complied with this requirement.

What should I do?

- You do not need to boil your water. However, if you have specific health concerns, consult your doctor. A home filter will not necessarily solve the problem, because not all home filters protect against parasites. Call NSF International at 1(800) NSF-8010 or the Water Quality Association at 1(800) 749-0234 for information on appropriate filters.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from you health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not **an emergency**. If it had been, you would have been notified within 24 hours. We do not know of any cases of contamination. However, until improvements are made, there is an increased chance that disease-causing organisms could contaminate the water supply. **Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.** These symptoms, however, are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

Filtration is the best method for removing these organisms. _____

(describe corrective action)

We anticipate resolving the problem within _____. Until filtration is installed, you
(estimated time frame)

will receive a notice similar to this every three months. For more information, please contact

_____ at _____ or _____
(name of contact) (phone number) (mailing 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.

Note: send copy of the public notice to UT DEQ and the EPA after public notice is complete with the date distributed, the method/s, and a certifying signature.

date distributed

method/s

signature

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

WOODENSHOE PIPELINE COMPANY

SOME DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2007 - 2011

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. During 2007 through 2011 we did not complete all monitoring or testing for E. coli/cryptosporidium, total coliform, radium-228, nitrate, inorganic and synthetic organic contaminants, and lead and copper; and, therefore, cannot be sure of the quality of our drinking water during that time.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Source water E.coli or cryptosporidium	Bi-weekly Monthly	0	4/1/10-3/30/2011	
Total coliform	Monthly	0	January 2011	February 2011
Radium-228	two consecutive quarters	1 (05/2009)	4 th quarter 2009 to present	
Nitrate	Annually	0	2009	2010
Inorganic contaminants	Triennially	0	2008-2010	2011
Synthetic organic contaminants (pesticides/herbicides)	Triennially	0	2005-2007	2008
Lead and copper	Triennially	0	2008 & 2011	

What happened? What is being done? _____

Call _____ at _____ if you have questions.
name telephone number

Please share this information with all the other people who drink this water. You can do this by posting this notice in a public place or distributing copies by hand or mail.

Note: send copy to UT DEQ and the EPA after public notice is complete with the date distributed, the method/s, and a certifying signature.

Date distributed method/s signature