



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

COPY

JAN 3 0 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

John H Gothard, Jr., Registered Agent  
Hauck Enterprises, L.L.C.  
P.O. Box 711  
Heber City, UT 84032

Re: Administrative Order  
Docket No. SDWA-08-2007-0011  
Hauck Enterprises, L.L.C., owner of  
The Other End  
PWS ID #UTAH26050

Dear Mr. Gothard:

Enclosed you will find an Administrative Order (the Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Order finds that The Other End Water System is a supplier of water as defined by the Act and that its owner has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 Code of Federal Regulations (C.F.R.) §§ 141.63(a)(2), 141.63(b), 141.21(a), 141.21(b), 141.21(b)(5), 141.23(d), 141.201, 141.31(b), 141.21(g)(1), and 141.21(g)(2) for: exceeding the MCL for total coliform bacteria, exceeding the acute MCL for total coliform bacteria, failure to monitor for bacteriological quality, failure to take four repeat samples following a total coliform positive result, failure to take five routine samples following a total coliform positive sample the preceding month, failure to monitor for nitrate, failure to provide public notice, and failure to notify the State of the violations.

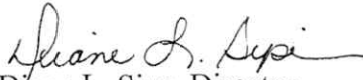
If The Other End complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Among other things, the Order requires The Other End to provide a public notification of violations of the Act. For your convenience, we have enclosed some template forms to assist in providing the required public notice. If you have any questions or comments concerning the form of public notice, please do not hesitate to contact Kimberly Pardue Welch of EPA, whose telephone number is provided below.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you wish to have an informal conference with EPA, you may also call or write Ms. Pardue Welch. If you are represented by an attorney, please have your attorney call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures

Order  
Public Notice template

cc: Patti Fauver, UT DEQ  
Katie Hauck  
Kurt Hauck  
Margaret Hauck  
Joseph Hauck



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 JAN 30 AM 8:14

IN THE MATTER OF )  
Hauck Enterprises, L.L.C., owner )  
The Other End )  
Heber City, Utah )  
Respondent )  
)  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0011

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Hauck Enterprises, L.L.C. (Respondent) is a Limited Liability Company (L.L.C.) and therefore is a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, The Other End Water System, located in Wasatch County, Utah, for the provision to the public of piped water for human consumption.

3. The Other End Water System (the System) has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWR).
5. According to an October 30, 2006 Sanitary Survey, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The System serves approximately 70 persons daily through 1 service connection and is operational year-round.
6. The Utah Department of Environmental Quality, Division of Drinking Water (the State), has primary enforcement authority for the public water supply protection provisions of the Act in the State of Utah. On December 1, 2006, EPA issued a Notice of Violation to the State and the System pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g- 3(a), regarding the violations at the System. The State elected not to commence an appropriate enforcement action against Respondent for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g- 3(a).

7. EPA has provided the State with an 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).
8. EPA has provided a copy of this Order to the State pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

### FINDINGS OF VIOLATION

#### I

1. 40 C.F.R. § 141.63(a)(2) imposes and defines the maximum contaminant level (MCL) for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
2. Monitoring results submitted by Respondent for the System during August and September 2003, and January and March 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

#### II

1. 40 C.F.R. § 141.63(b) imposes and defines the acute MCL for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample.
2. Monitoring results submitted by Respondent for the System during August 2006 exceeded the acute MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(b).

### III

1. 40 C.F.R. § 141.21(a) requires a non-community public water system to monitor its water at least once per quarter that the system serves water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63(a)(2).
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the 4<sup>th</sup> quarter 2002, 1<sup>st</sup> quarter 2003, and 3<sup>rd</sup> and 4<sup>th</sup> quarters 2005, in violation of 40 C.F.R. § 141.21(a).

### IV

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples for the July 2003, April 2006 and June 2006 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

### V

1. 40 C.F.R. § 141.21(b)(5) requires any public water system that collects fewer than 5 routine samples per month and has one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in September 2003 (System incorrectly took only 2 samples), February, May, and September 2006 after a total

coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

#### VI

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor their water annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62(b).
2. Respondent last monitored the System's water for nitrate in August 2005, but failed to monitor in 2003 and 2004, in violation of 40 C.F.R. § 141.23(d).

#### VII

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the NPDWR, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations outlined in sections I through VI, in violation of 40 C.F.R. § 141.201.

#### VIII

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to the State no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to the State the total coliform MCL violations detailed in sections I and II, in violation of 40 C.F.R. § 141.21(g)(1).

IX

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to the State within ten days after the system discovers the violation.
2. Respondent failed to report to the State the noncompliance detailed in sections III through V, in violation of 40 C.F.R. § 141.21(g)(2).

X

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR to the State within 48 hours.
2. Respondent failed to report to the State the noncompliance detailed in sections VI and VII, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act,

IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
2. Respondent shall, within 30 days of the date of this Order, submit to EPA and the State detailed plans for bringing System into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall



be within 180 days from the date of this Order) and shall be submitted to the State and EPA for approval. The plans must be approved by the State and EPA before construction can commence.

3. Additionally, the plan shall incorporate the recommendations contained in the Sanitary Survey, conducted on October 30, 2006, by Mr. David Hansen of the Utah Division of Drinking Water and Mr. Hill of the Wasatch County Health Department, including:
  1. Replacing the sanitary seal around the well head to prevent contamination entering the well.
  2. Having 1) a smooth nose sample tap, 2) check valve, 3) and means of measuring flow on the well discharge piping.
  3. Installing an air relief valve on the discharge pipe which is properly down turned with a No. 14 mesh screen.
  4. Ensuring that the ground surface slopes away from the four foot pit (in which the well sits) to eliminate water from draining into the pit and jeopardizing the integrity of the wellhead.
  5. Developing a cross connection control program.
4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
5. Within 60 days of the date of this Order, Respondent shall submit to the State and EPA monthly reports on the progress made towards bringing the System into compliance with the coliform bacteria MCL.

6. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCL as stated in 40 C.F.R. § 141.63(a)(2). Respondent shall report analytical results to EPA and the State within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
7. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. 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. § 141.31(a).
8. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If the System has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the System provides water to the public.

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.

§ 141.31(a).

9. Within 30 days from the effective date of this Order, and annually thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). 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).
10. Within 30 days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violation, sections I through VI, in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA and the State within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or

students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The System must repeat the notice every three months as long as the violation or situation persists.

11. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA and the State no later than the end of the next business day after Respondent learns of the violation.
12. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within ten days after the System discovers the violation.
13. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA and the State within 48 hours.
14. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch  
U.S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**AND**

Patti Fauver  
UT Dept. of Environmental Quality  
POB 144830 (Division of Drinking Water)  
Salt Lake City, UT 84114-4830

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be its date of issuance.

Issued 30<sup>th</sup> day of January, 2007.



David J. Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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





Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)



# 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 Notice–Template 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:

- 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.
- 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.]
- 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 your primacy agency 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:

Kimberly Pardue Welch  
US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-6409.

**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 \_\_\_\_\_



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

For more information, please contact [owner / operator name] \_\_\_\_\_, Owner / Operator,  
at [phone] \_\_\_ - \_\_\_ - \_\_\_ 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 [system name] \_\_\_\_\_  
State Water System ID#: MT \_\_\_\_\_

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