



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

AUG 18 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory S. White, Registered Agent
Peoa Pipe Line Company
5626 N. State Rd. 32
Peoa, UT 84061

Re: Administrative Order
Peoa Pipe Line Company
Public Water System
Docket No. SDWA-08-2011-0048
PWS ID #Utah22013

Dear Mr. White:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that the Peoa Pipe Line Company (the company) has violated the National Primary Drinking Water Regulations (the 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 the company complies with the Order, 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 a public notice template explaining the public notice requirements in more detail.

To submit information, or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode

8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order
Public Notice Template

cc:

Patti Fauver, UT DEQ DW
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 AUG 18 AM 8:39

IN THE MATTER OF:)
)
Peoa Pipe Line Company.)
)
)
Respondent.)

FILED
EPA REGION VIII
Docket No. SDWA-08-2011-0048

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 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.
2. The Peoa Pipe Line Company (Respondent) is a Utah non-profit corporation that owns and/or operates the Peoa Pipe Line Water System (the system), which provides piped water to the public in Summit County, Utah, for human consumption.
3. The system is supplied by a ground water source consisting of one spring. The water is not treated.
4. The system has approximately 47 connections used by year-round residents and/or regularly serves an average of approximately 141 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 § 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. DEQ has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah (the State). EPA issued a notice of the system's violations to the State on June 23, 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 § 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 EPA regarding this Order.

VIOLATIONS

7. Respondent is required to conduct triggered source monitoring requirements within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified that routine samples collected in June, July, August, September, and October of 2010 (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) were positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours of being notified of each of the above total coliform-positive results, and, therefore, violated this requirement.
8. 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 2010, and, therefore, violated this requirement.
9. Respondent was required to monitor the system's water for radium-228, collecting one sample during a minimum of two quarters in calendar years 2009 and 2010, per State guidance. 40 C.F.R. § 141.26(a). Respondent sampled for radium-228 on December 2, 2009, but failed to monitor the system's water for radium-228 during the 2nd quarter of 2010, as instructed by the State, and, therefore, violated this requirement.
10. 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 on January 1, 1999, and the next sampling was to be done between June 1, 2007, and September 30, 2007, and again between June 1, 2010 and September 20, 2010. Respondent failed to monitor the system's water for lead and copper during both of those periods and, therefore, violated this requirement.
11. Respondent is required to monitor the system's water at least once every three years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondent failed to monitor the system's water for volatile organic contaminants during the 2008 - 2010 period, and, therefore, violated this requirement.
12. Respondent is required to monitor the system's water for certain inorganic



contaminants at least once every nine years. 40 C.F.R. § 141.23(a) and (c). Respondent failed to monitor the system's water for inorganic contaminants during the 2002 – 2010 period, and, therefore, violated this requirement.

13. Respondent is required to monitor the system's water for arsenic at least once every nine years. 40 C.F.R. § 141.23(c). Respondent failed to monitor the system's water for arsenic during the 2002 – 2010 period, and, therefore, violated this requirement.

14. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to the State that it has done so. The CCR is to include information about the quality of the system's water using data collected during, or prior to, the previous calendar year. The CCR must also include information on drinking water violations that occurred during the year covered by the report. 40 C.F.R. §§ 141.151-141.155. Respondent failed to issue an adequate CCR in 2006. Respondent failed to prepare and deliver an annual CCR to the system's customers and to the State in 2007. Respondent also failed to provide a certification to the State for the same year. Respondent also submitted its CCR in 2010 after July 1 of that year. Therefore, Respondent violated these requirements.

15. 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 cited in paragraphs 7 (June and July 2010 violations), 9, and the 2007 violation in paragraph 10, and, therefore, violated this requirement. Public notice is not yet due for other violations cited in this Order.

16. Respondent is required to report any failure to comply with any drinking water regulation to the State 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 through 15, above, to the State 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):

17. Within 48 hours after receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. Thereafter, Respondent shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to EPA and the State, Respondent shall specify that it is a triggered source water sample.

18. Respondent shall monitor the system's water for nitrate per the regulations. 40 C.F.R. § 141.23.

19. Respondent shall monitor the system's water for radium-228, along with other radionuclides, per the regulations. 40 C.F.R. § 141.26(a). Respondent is next required to sample for radionuclides during the 2011 – 2016 compliance period.

20. Between June 1, 2011, and September 30, 2011, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by the State, in accordance with 40 C.F.R. § 141.86(b), (c) and (d).

21. Respondent shall monitor the system's water for volatile organic contaminants per the regulations. 40 C.F.R. § 141.24(f)(6). Respondent is next required to sample for volatile organic contaminants during the 2014 – 2016 compliance period.

22. Respondent shall monitor the system's water for inorganic contaminants per the regulations. 40 C.F.R. § 141.23(a) and (c). Respondent is next required to sample for inorganic contaminants during the 2020 – 2028 period.

23. Respondent shall monitor the system's water for arsenic per the regulations. 40 C.F.R. § 141.23. Respondent is next required to sample for arsenic during the 2020 – 2028 period.

24. Within 30 days after receipt of this Order, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the system for calendar years 2005 and 2006, and distribute the report to the system's customers, EPA, and the State. If Respondent has not already done so, Respondent shall similarly prepare and distribute its annual CCR for calendar year 2010, which was due July 1, 2011. No later than 3 months thereafter, Respondent shall certify to EPA and the State that the above CCRs have been



distributed to the system's customers and that the information contained in those reports is correct and consistent with monitoring data previously provided to EPA and the State. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

25. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA and the State 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 as stipulated by the State, whichever is earlier. 40 C.F.R. § 141.31(a).

26. Respondent shall report any violation of the drinking water regulations to EPA and the State within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). 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.

27. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 13, above, as required by 40 C.F.R. part 141, subpart Q. 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 submit a copy of the notice to EPA and the State.

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

U.S. EPA Region 8
Mario Mérida (8ENF-W)
1595 Wynkoop
Denver, CO 80202-1129

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

GENERAL PROVISIONS

29. 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 EPA to forgo any civil or criminal action.



30. 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 of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: August 19, 2011.

Margaret J. (Peggy) Livingston
Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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



Template on Reverse

If you are required to provide Tier 3 notification, 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 seven days (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 Consumer Confidence Report (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. You can use the following language, if appropriate, 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)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Peoa Pipe Line Company Water System

Our water system violated drinking water standards during the years 2006 through 2010. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

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 did not complete monitoring and reporting requirements for the following contaminants during the periods cited, and therefore cannot be sure of the quality of our drinking water during those times:

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 during the year in question, how often we are supposed to sample for 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 taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Fecal indicator bacteria	1 sample following routine total coliform-positive monthly samples	0	June, July, August, September, and October 2010.	
Nitrate	1 sample annually	0	2010	2/9/2011
Radium-228	1 sample during 2 nd Quarter of 2010	0	April – June, 2010.	9/2/2010
Lead and copper	5 samples triennially	0	During the 2005 – 2007 and 2008 – 2010 periods.	
Volatile Organic Contaminants	1 sample triennially	0	During the 2008 – 2010 period.	2/9/2011
Inorganic contaminants	1 sample every 9 years	0	During the 2002 – 2010 period.	2/9/2011
Arsenic	1 sample every 9 years	0	During the 2002 – 2010 period.	2/9/2011

What is being done?

[Describe corrective action.]

For more information, please contact Greg White at 435-783-5271.

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 the Peoa Pipe Line Company water system.
State Water System ID#UTAH22013
Date distributed: _____.