



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

2013 DEC 20 PM 2:36

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EPA REGION VIII  
HEARING CLERK

DEC 20 2013

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rosemarie Johanna Milligan, Registered Agent  
Dreaming Tree, LLC  
1223 N. Highway 40  
Heber, UT 84032

Re: Administrative Order Violation  
The Other End Public Water System  
Docket No. SDWA-08-2013-0038  
PWS ID # UTAH26050

Dear Ms. Milligan:

On September 19, 2013, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order) ordering Dreaming Tree, LLC (LLC), as owner and/or operator of The Other End public water system, to comply with various Drinking Water Regulations, which were promulgated pursuant to the National Primary Drinking Water Regulations (Drinking Water Regulations), 40 C.F.R. part 141 Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*

Our records indicate that the LLC (Respondent) is in violation of the Order. Among other things, the Order included the following requirements (from paragraphs 20, and 21 on page 3 of the Order):

1. 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 nitrate as required by 40 C.F.R. § 141.23. Within the first 10 days following the month in which sample results are received, Respondent shall (a) report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of the results.

The EPA has not received nitrate analytical results.

2. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 10 of the Order following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any 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 the EPA and the State.

The EPA has not received public notice of the violations outlined in the Order. Enclosed is another copy of the public notice template and instructions provided to Respondent with the Order.

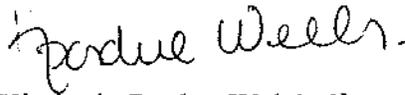
The EPA is considering additional enforcement action as a result of the LLC's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481. If the LLC is represented by an attorney who has questions, please ask the attorney to direct any legal questions to Peggy Livingston, Enforcement Attorney, at (800) 227-8917, extension 6858 or (303) 312-6858, or at the following address:

Peggy Livingston, Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures (Public notice)

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

# DRINKING WATER WARNING

## Fecal coliforms or /E. coli present in The Other End Bar & Grill 's water

Fecal coliform or *E. coli* bacteria were found in the water supply in July 2012. These bacteria can make you sick, and are a particular concern for people with weakened immune systems. Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

### What should I do? What does this mean?

**You should have been notified within 24 hours of the system learning of the contamination to NOT DRINK THE WATER WITHOUT BOILING IT FIRST or to use bottled water for drinking, making ice, brushing teeth, washing dishes, and food preparation**

• *\*Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.\**

• The symptoms above 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. People at increased risk should seek advice from their health care providers about drinking this water.

### What is being done?

Describe corrective action:

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For more information, please contact Rosemarie Milligan at 801-652-3596. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

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### Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to UT DEQ and to the EPA: 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from \_\_\_\_\_ to \_\_\_\_\_

Signature \_\_\_\_\_

## Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but no more than 24 hours from learning of the violation [40 CFR 141.202(b)]. During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers [40 CFR 141.202(c)]:

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, print your notice on your system's letterhead, if you have it.

The notice on the reverse is appropriate for hand delivery or for publication in a newspaper. However, you may wish to modify it before using it for a radio or TV broadcast. If you do modify the notice on the reverse, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

## Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

## Alternative Sources of Water

If you are selling or providing bottled water, your notice should say where it can be obtained. Remember that bottled water can also be contaminated. If you are providing bottled water, make sure it meets US Food and Drug Administration (FDA) and/or state bottled water safety standards.

## Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

## After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days after you issue the notice [40 CFR 141.31(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of potential microbial contamination so they can use bottled water.

It is also a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6.

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## THE OTHER END

### DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2010 - 2013

*We are required to monitor the 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 2010-2013 we did not timely complete all monitoring or testing for total coliform bacteria contamination and nitrate and therefore cannot be sure of the quality of our drinking water during that time.*

#### What This Means

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 the problems are corrected, there is an increased chance that disease-causing organisms could contaminate the water supply. *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 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
Total coliform bacteria	Each quarter	0	4 quarter 2010 2 <sup>nd</sup> & 3 <sup>rd</sup> qtrs 2011 1 <sup>st</sup> , 2 <sup>nd</sup> & 4 <sup>th</sup> qtrs 2012 1 <sup>st</sup> & 2 <sup>nd</sup> qtrs 2013	All other required quarters
Total coliform bacteria additional routine	5 samples the month after a total coliform positive result	0	August 2012	After future total coliform positive results
Nitrate	Annual	0	2011 and 2012	Will take in 2013

**What happened? What is being done?** \_\_\_\_\_

Call Rosemarie Milligan at 801-652-3596 if you have questions.

#### Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to UT DEQ and to the EPA: 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from \_\_\_\_\_ to \_\_\_\_\_

Signature \_\_\_\_\_

# 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 privacy agency may have more stringent requirements. Check with your privacy 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 privacy 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)).

#### Certification

After posting this notice for a minimum of 7 days, enter the dates posted, sign below and send a copy to UT DEQ and to the EPA: 1595 Wynkoop Street, Attn: 8ENF-W K. Brainich, Denver, CO 80202

Dates posted from \_\_\_\_\_ to \_\_\_\_\_

Signature \_\_\_\_\_