



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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MAILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8 ENF-W

**SEP 28 2010**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kemp-Burdick CPA's & Advisors, Registered Agent  
Harmony Farms Water Users Association  
337 S. Main St  
Cedar City, UT 84720

Re: Violation of Administrative Order  
Harmony Farms Water Users  
Public Water System  
Docket No. 08-2009-0078  
PWS ID # UTAH27079

Dear Madame/Sir:

On October 26, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2009-0078, ordering the Harmony Farms Water Users Association, as owner and/or operator of the Harmony Farms Water Users public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that the Harmony Farms Water Users Association (Respondent) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from item 22 on page 3 of the "Order" section):

1. Respondent shall monitor the system's water for radionuclides at its Harmony Farms No. 2 well by December 31, 2009, and again by March 31, 2010, and thereafter as instructed by the State, as required by 40 C.F.R. § 141.26(a).

Respondent failed to monitor radionuclides during the 2<sup>nd</sup> quarter of 2010, as was required by the State. The State sent Respondent a Notice of Violation letter for this failure to monitor violation on August 25, 2010.

EPA is considering additional enforcement action as a result of the non-compliance with the Order detailed above. 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.

Separately, while samples are not yet due, EPA reminds Respondent that while analytical results for 2010 nitrate monitoring samples at Well 2 have been submitted to EPA per item 19 of the Order, nitrate monitoring samples at Well 1 have yet to be submitted and are due December 31, 2010. Similarly, Respondent has submitted 2010 volatile organic compounds (VOC) samples for Well 2 to EPA as required in item 21 of the Order, but has yet to submit VOC results for Well 1. These are also due by December 31, 2010.

If you have any questions, or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If the Harmony Farms Water Users Association is represented by an attorney who has questions, that attorney may contact Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

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

We urge your prompt attention to this matter.

Sincerely,



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Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ DW  
James Lott, Harmony Farms Water Users Association