



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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EPA REGION VIII
HEARING CLERK

SEP 28 2015

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sue Masica, Regional Director
National Park Service, Intermountain Region
12795 Alameda Parkway
Denver, Colorado 80225

Re: Administrative Order issued to the U.S. Department of Interior, National Park Service, for the Zion National Park Kolob Visitor Center Public Water System, PWS ID# UTAH27066, Docket No. SDWA-08-2015-0037

Dear Ms. Masica:

Enclosed is an Administrative Order (Order) issued by the U.S. 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 U.S. Department of Interior, National Park Service (Service), as owner and/or operator of the Zion National Park Kolob Visitor Center public water system (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any pertinent information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, public notice distributed, etc.). If the EPA does not hear from you, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties.

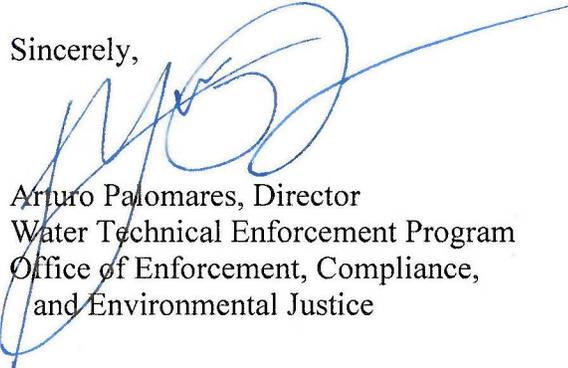
The Order requires you to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467, or (303) 312-6467, or by email at hofstader.olive@epa.gov. Any questions from your attorney should be directed to Mia Bearley, Enforcement Attorney, who may be reached at the above

address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554, or by email at bearley.mia@epa.gov.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

1. Order
2. Public Notice Template

cc: Ms. Tina Artemis, EPA Regional Hearing Clerk
Ms. Patti Fauver, UTDEQ Drinking Water Rule Section Manager (by email)
Mr. Jeff Bradybaugh, Park Superintendent, Zion National Park (by email)
Mr. Dave Brooks, Zion National Park (by email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF:)
)
)
U.S. Department of Interior,)
National Park Service,)
Zion National Park,)
)
Respondent.)

Docket No. SDWA-08-2015-0037

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

1. This Order is 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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. The U.S. Department of Interior, National Park Service (Respondent) is a Federal Agency that owns and/or operates the Kolob Visitor's Center Public Water System (System), which provides piped water to the public in Washington County, Utah, for human consumption.
3. The System is supplied by a groundwater source accessed via 1 well and is disinfected.
4. The System has approximately 4 service connections and/or regularly serves an average of approximately 503 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Utah Department of Environmental Quality (State) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. The EPA issued a notice of Respondent's violations to the State and to Respondent on August 10, 2015. The State elected not to commence an enforcement action against Respondent for the violations listed in that notification within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The 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. Respondent is required to monitor the System's water annually for nitrate, and report analytical results to the State within the first 10 days following the month in which sample results are received. 40 C.F.R. §§ 141.23(d) and 141.31(a). Respondent monitored the System's water for nitrate on March 4, 2013, but reported the analytical results to the State on March 6, 2014, and, therefore, violated this requirement.

8. Respondent is required to monitor disinfectant residuals and record the value each day. Respondent is required to report recorded daily results to the State within 10 days after the end of each month that the system serves water to the public. Utah Administrative Code (UAC) R309-215-10. Respondent failed to monitor or report disinfectant residuals for the month of December 2013, and, therefore, violated this requirement.
9. Respondent is required to complete corrective action of a significant deficiency or be in compliance with an approved corrective action schedule within 120 days of receiving written notification from the State of the significant deficiency. 40 C.F.R. § 141.403(a)(5)(i). Respondent is required to notify the State within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). On October 7, 2012, the State notified Respondent that a significant deficiency, lack of overflow on storage tank, was to be corrected within 120 days. During a July 23, 2015, sanitary survey, the State noted this significant deficiency had not been corrected. Respondent did not correct the significant deficiency within 120 days of notification, and, therefore, violated the requirement.
10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violation cited in paragraphs 7, 8 and 9, above, and, therefore, violated this requirement.
11. 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 violation cited in paragraphs 7, 8, 9 and 10, 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):

12. 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. 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 this notification.
13. For each day, Respondent shall monitor the residual disinfectant concentration of the water entering the System's distribution system. Respondent shall (a) report recorded daily results to the State within 10 days after the end of each month that the system serves water to the public, as required by (UAC) R309-215-10, and (b) provide the EPA with a copy of this notification.
14. Within 10 days after receipt of this Order, Respondent shall consult with the State and the EPA regarding appropriate corrective actions for addressing the following significant deficiency AND within 60 days of receipt of this Order, submit a corrective action plan and schedule to the State and the EPA. 40 C.F.R. §§ 141.403(a)(4) and 403(a)(5).

- a. **Storage structure missing a proper overflow.** All storage structures shall be provided with an overflow which is discharged at an elevation between 12 and 24 inches above the ground surface with an appropriate air gap.

15. The schedule required by paragraph 14, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the State and the EPA.

16. Within 10 days after completing all tasks included in the schedule required by paragraph 14, above, Respondent shall notify the State and the EPA of the completion of the corrective actions, as required by 40 C.F.R. § 141.405(a)(2). Respondent shall provide evidence to the State and the EPA, including photographs of the completed corrective actions and the following certification signed by a person of authority in the System that the corrective actions have been completed: "I certify under penalty of perjury that the U.S. Department of Interior, Zion National Park, has completed all corrective actions to address the significant deficiencies identified during the September 27, 2012, sanitary survey site visit."

17. Respondent shall consult with the State regarding appropriate corrective actions within 30 days of receiving written notice of any significant deficiencies at the System which may be identified by the State, and complete corrective actions for those significant deficiencies within 120 days, or in compliance with a State-approved corrective action plan and schedule. Respondent shall notify the State and the EPA within 30 days of completion of a corrective action for a significant deficiency. 40 C.F.R. §§ 141.403(a)(4), 404(a), and 405(a)(2). Note: Significant deficiencies, if any, are identified by the State during sanitary surveys of public water systems.

18. Respondent shall notify the public of the violation cited in paragraphs 7, 8 and 9, above. 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 State and the EPA.

19. For any future violation of the Drinking Water Regulations for which this Order does not specify a reporting period, Respondent shall, within 48 hours (a) report that violation to the State as required by 40 C.F.R. § 141.31(b), and (b) provide the EPA a copy of this notification. However, if the Drinking Water Regulations specify a different time period for reporting the particular violation, Respondent shall report the violation to the State and to the EPA within that different period.

20. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.

21. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the State and the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with

this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.

22. Respondent shall send all reporting and notifications required by this Order in writing to BOTH:

Olive Hofstader
U.S. EPA Region 8 (ENF-W)
1595 Wynkoop Street
Denver, Colorado 80202-1129

AND

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

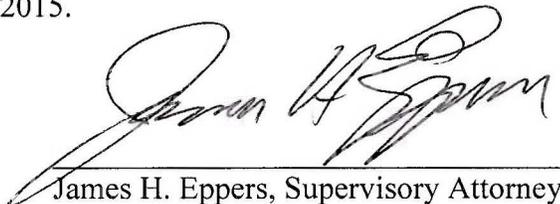
GENERAL PROVISIONS

23. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

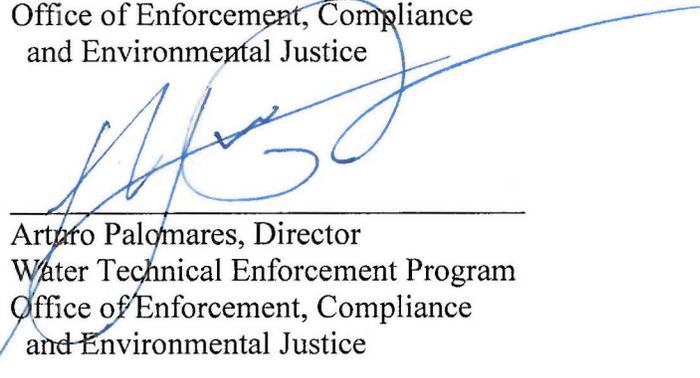
24. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. §§ 300g-3; 300j-6; 300j-8; 40 C.F.R. part 19.

25. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: September 28, 2015.



James H. Eppers, 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

Instructions for Monitoring Violation Notice - Non Community

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 (R309-220-7(2)). Multiple monitoring violations can be serious, check with the Division of Drinking Water (801-536-4200) to make sure you meet all the public notification requirements.

Non-community systems must use one of the following methods (R309-220-7(3)(b)):

- X Posting in conspicuous locations
- X Hand delivery
- X Mail

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method (R309-220-7(3)). Such methods could include newsletters, e-mail, or delivery to community organizations. The language to encourage distribution of the notice is included on this notice; however, if you post this notice, omit the mandatory language to encourage distribution, as it is not needed since posting makes the notice available to everyone who passes by.

You must post the notice until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (R309-220-7(2)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for an annual notice combining notification for several violations, as well as for notices for individual violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish.

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* (R309-220-8(4)(b)). 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:

- X 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.
- X 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.]
- X 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 the Division of Drinking Water (PO Box 144830, SLC, UT 84114-4830) 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 (R309-105-16(3)).

DRINKING WATER NOTICE

Monitoring requirements not met for [system]

We violated a drinking water standard. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

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 [compliance period] we [did not monitor' or 'did not complete all monitoring'] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.

What This Means

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for [it/them] 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 (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Coliform (example)	twice per month	1	July 1, July 15, August 1	July 1, August 1

Steps We Are Taking

[Describe corrective action.] For more information, please contact [name of contact] of [system] at [phone number] or [location/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.

State Water System ID#: _____. Date distributed:

Template on Reverse

A system's failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule (GWR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your state may have more stringent requirements for treatment technique violations. Check with your state to make sure you meet all requirements.

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. Consider providing the history of the situation in this notice (i.e., what events lead to requiring corrective action) to avoid confusing the public when this second notice is issued.

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail

You must also use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)].

If you modify the notice, 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 with an asterisk on either end.

This template also includes mandatory language encouraging further distribution to persons who may not have received the notice [40 CFR 141.205(d)] and is presented in this notice in italics and with an asterisk on either end. However, if you post the notice such that all possible users have access to the notice, this language is not applicable and can be omitted.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. You can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

After Issuing the Notice

Make sure to send your state a copy of each type of notice and a certification that you have met all the public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved, especially if you have regular customers. See Template NC-7 for a "problem corrected" notice template.

DRINKING WATER NOTICE

[System] Failed to [Correct a Significant Deficiency/Address a Fecal Indicator-Positive Source Sample] Within Required Time Frame

Our water system [give system name] was required to take action to [correct a significant deficiency/address a fecal-indicator positive source sample] by [give date]. However, we failed to take action by the required date.

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 problem is corrected, 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.

You may drink the water. However, if you have specific health concerns, consult your doctor.

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 your health care providers about drinking this water.

Steps We Are Taking

[Describe corrective action.] We expect to have the [significant deficiency/source of fecal contamination] corrected by [give date].

For more information, please contact [name of contact] of [system] at [phone number] or [location/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]. State Water System ID#: _____.

Date distributed: _____.