



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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2009 MAY 12 AM 10:56

EPA REGION VIII
HEARING CLERK

MAY 12 2009

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Bousfield, Director
Division of Drinking Water
Utah Department of Environmental Quality
P.O. Box 144830
Salt Lake City, UT 84114-4830

NOTICE OF VIOLATION

Docket No. SDWA-08-2009-0046

Chester Park
Public Water System
Chester, UT 84647
PWS ID# UTAH20060

Dear Mr. Bousfield:

The public water supply system referenced above (the System) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations), according to records that the United States Environmental Protection Agency (EPA) has obtained from the Utah Department of Environmental Quality (DEQ).

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f, *et seq.* EPA is issuing this notice of violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the System if the State of Utah (the State) does not commence an appropriate enforcement action within 30 days of receiving this notice.

The violations are listed below.

<u>Date of Violation</u>	<u>Violation</u>
2008	Failure to provide a complete Consumer Confidence Report for calendar year 2007. Report did not contain sampling information for volatile and synthetic organic contaminants, or for all 2007 violations [40 C.F.R. § 141.153]
November 2004 December 2007 August 2008	Failure to monitor for total coliform bacteria [40 C.F.R. § 141.21(a)]
March 2007 June 2007	Maximum contaminant level exceedance for total coliform bacteria [40 C.F.R. § 141.63]
September 2005 March 2007 June 2007 August 2007	Failure to collect a set of total coliform repeat samples after a total coliform positive sample [40 C.F.R. § 141.21(b)]
April 2007 July 2007	Failure to take five additional routine total coliform samples after a total coliform positive sample the preceding month [40 C.F.R. § 141.21(b)(5)]
2006	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
2003 2004 2005 2006 2007 2008	Failure to monitor for lead and copper [40 C.F.R. § 141.86(d)]
2002-2004 2005-2007	Failure to sample for pesticide/herbicide organic contaminants [40 C.F.R. § 141.24(h)]
2005-2007	Failure to monitor for inorganic contaminants [40 C.F.R. § 141.23(c)(1)]
1 st , 2 nd , 3 rd , and 4 th quarters 2007 and 2008	Failure to monitor for radium-228 [40 C.F.R. § 141.26(a)]

- 2005-2008 Failure to provide public notice of above violations
[40 C.F.R. §§ 141.201 et seq.]
- 2004-2008 Failure to report above violations to the State
[40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2), and 141.31(b)]

EPA is also sending a copy of this notice of violation to the System. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation. SBREFA does not eliminate the responsibility to comply with the drinking water regulations. By providing this information sheet, EPA has not necessarily determined that the System is in fact a "small entity" as that term is defined in SBREFA.

If the State does not commence an appropriate enforcement action concerning this System within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the System.

Please have your staff notify David Nguyen at (303) 312-6954 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the System's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



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



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
SBREFA fact sheet

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW (w/o enclosure)
Douglas M. Draper, Chester Park Water System (Certified Mail, Return Receipt
Requested)