



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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AUG 14 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth H. Bousfield, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

Re: SECOND AMENDED
NOTICE OF VIOLATION
Docket No. SDWA-08-2009-0065
Dutch John Public Water System
PWS ID# UTAH05001

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).

On July 21, 2009, EPA issued a Notice of Violation, Docket No. SDWA-08-2009-0065, to the Utah Department of Environmental Quality (UDEQ or the State) for violations at the Dutch John public water system which include failure to submit a sampling schedule as required by the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), failure to monitor for *E. coli* as required by the LT2ESWTR, failure to provide public notice, and failure to notify the State of the violations. On July 30, 2009, EPA issued an Amended Notice of Violation, Docket No. SDWA-08-2009-0065 which included an additional violation for failure to monitor lead and copper in 2008. Additional violations for failure to monitor chlorine residual, failure to monitor turbidity, and failure to monitor disinfection byproducts have been identified and therefore EPA is issuing a revised Amended Notice of Violation to the UDEQ to include these additional violations.

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 thirty days of receiving this notice.

The violations are listed in the table below.

<u>Date of Violation</u>	<u>Violation</u>
July 1, 2008	Failure to submit a sampling schedule as required by the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) [40 C.F.R. § 141.702]
October 1, 2008 – July 6, 2009	Failure to monitor for <i>E. coli</i> as required by the LT2ESWTR. [40 C.F.R. § 141.701(c)]
2006 - 2008	Failure to monitor for lead and copper. [40 C.F.R. §§ 141.86]
3 rd quarter 2006, 1 st quarter 2007, 2 nd quarter 2007, 3 rd quarter 2007, and 4 th quarter 2007	Failure to monitor chlorine residual. [40 C.F.R. § 141.74(c)]
August 2007, September 2007, October 2007, November 2007, December 2007, and January 2008	Failure to monitor turbidity. [40 C.F.R. § 141.74(c)(1)]
4 th Q 2008	Failure to monitor for disinfection byproducts. [40 C.F.R. § 141.132(b)]
2007 - 2009	Failure to notify public of various above-referenced violations. [40 C.F.R. §§ 141.203, 141.211]

2006 - 2009

Failure to report the above-referenced violations to the State.
[40 C.F.R. §§ 141.21(g)(1) and 141.31(b)]

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 Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or 303-312-6983 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

cc:

Patti Fauver, UT DEQ DW
Stewart Leith, Daggett County Commission Chair
(via certified mail with return receipt)
Tina Artemis, EPA Regional Hearing Clerk



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