



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

JUN 15 2017

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Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Luke Duncan, Chairman  
Ute Tribe Business Committee  
P.O. Box 70  
Fort Duchesne, Utah 84026-0190

Re: Administrative Order issued to the Ute Tribe Business Committee, Uriah Heeps Spring and Whiterocks Public Water Systems, PWS ID# 084990002 and 084990003,  
Docket No. **SDWA-08-2017-0020 & SDWA-08-2017-0019**

Dear Chairman Chapoose:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency 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 Ute Tribe Business Committee (Tribe), as owner and/or operator of the Uriah Heeps and Whiterocks Public Water Systems (Systems), 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, any significant deficiencies that have been corrected, etc.). If the Order does not correctly state violations, please let the EPA know within 10 days; if the EPA does not hear from you, the EPA will assume this information is correct.

If the Tribe complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to civil penalties and/or a federal court injunction ordering compliance.

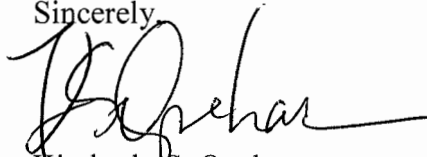
Please be aware that you are required to submit to the EPA a plan and schedule for bringing the Systems into compliance with the Drinking Water Regulations. The EPA's approval of the Tribe's plan and schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the Systems. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

To submit information or request an informal conference with the EPA, please contact Olive Hofstader at the above address (mail code 8ENF-W-SDW), by phone at (800) 227-8917, extension 6467, or (303) 312-6467, or email at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov). Any questions from the Tribe's legal counsel

should be directed to Amy Swanson, Enforcement Attorney, at (303) 312-6906, swanson.amy@epa.gov, or at the above address (mail code 8ENF-L).

We urge your prompt attention to this matter.

Sincerely,



Kimberly S. Opekar  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Administrative Orders  
Public Notice Templates

cc: Mr. Tony Small, Vice Chairman  
Mr. Bart Powaukee, Environmental Coordinator  
Mr. Clifford Serawop, Executive Director  
Ms. Quanah Powaukee, Assistant Executive Director  
Mr. Ron Wopsock, Uintah Band Representative  
Mr. Shaun Chapoose, Uncompahgre Band Representative  
Mr. Edred Secakuku, Whiteriver Band Representative  
Ute Tribe

Ms. Sonja Willie, Director  
Mr. Eli Chapoose, Drinking Water Operator  
Ute Tribe Public Works

Eric Matson, Deputy Directory, Division of Sanitation, Facilities and Construction  
Indian Health Service, Phoenix

Commander Dan Wallis, District Engineer  
Commander Kelli D. Mohler, District Environmental Health Officer  
Lyle Setwyn, District Engineer  
Indian Health Service, Reno

Lieutenant Matthew Chadwick, Field Engineer  
Mr. Adam Mannarino, Environmental Health Officer  
Indian Health Service Fort Duschesne

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IN THE MATTER OF: \_\_\_\_\_ )  
 )  
 ) Docket No. **SDWA-08-2017-0019**  
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 Ute Indian Tribe and Ute Tribe Public Works, ) **ADMINISTRATIVE ORDER**  
 Whiterocks Public Water System, )  
 )  
 )  
 \_\_\_\_\_ Respondents. )

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 officials.
2. Respondent Ute Indian Tribe is a federally recognized tribe governed by the Uintah and Ouray Business Committee consisting of a Chairperson, Vice Chairperson, and 2 representatives from each Band.
3. Respondent Ute Tribe Public Works is an entity organized under the laws of the Uintah and Ouray Business Committee to provide, in part, drinking water services to some of the tribal communities located within the exterior boundaries of the Ute Reservation.
4. Respondents Ute Indian Tribe (Tribe) and Ute Tribe Public Works own and/or operate the Whiterocks Public Water System (System) which provides piped water to the public for human consumption.
5. The System is supplied by a ground water source. The System collects water from a subsurface collection system and routes the collected water to a water treatment plant. The water is treated with phosphoric acid, sodium fluoride, and gaseous chlorine for disinfection. The system has not notified the EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses.
6. Respondents are required to monitor disinfection by-products in accordance with the System's Stage 2 Monitoring Plan (Monitoring Plan) dated August 6, 2014, pursuant to 40 C.F.R. § 141.622.
7. The System has approximately 116 service connections used by year-round residents and/or regularly serves an average of approximately 500 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

8. Respondents are 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).

9. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

10. Prior to issuing this Order, the EPA has provided Respondents extensive technical and compliance assistance to return the System to compliance with the Act and the Drinking Water Regulations.

### **VIOLATIONS**

11. Respondents are required to monitor the System’s water monthly for total coliform bacteria. 40 C.F.R. §§ 141.21(a) and 141.857(b). Respondents failed to monitor the System’s water for total coliform bacteria during September 2012, January and March 2013, February 2014, and August and October 2016, and, therefore, violated this requirement.

12. Within 24 hours of being notified that any routine sample of the System’s water is positive for total coliform, Respondents are required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondents failed to take 4 repeat samples of the System’s water within 24 hours of being notified on April 30, 2013, of a result that was positive for total coliform and therefore, violated this requirement.

13. Respondents are required to monitor the System’s water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the System’s water for nitrate during 2011 and 2013 and, therefore, violated this requirement.

14. Respondents were required to monitor the System’s water triennially between 2011 through 2013, and annually in 2014 and 2016 for lead and copper, and to collect at least 5 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondents failed to monitor the System’s water for lead and copper during the 2011 through 2013 monitoring period and the 2014 and 2016 monitoring periods and, therefore, violated this requirement.

15. Respondents are required to monitor the System’s water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondents failed to monitor the System’s water for volatile organic contaminants during the 2011 through 2013 monitoring period and, therefore, violated this requirement.

16. Respondents are required to monitor the System’s water for synthetic organic (pesticide / herbicide) contaminants at least once every 3 years. 40 C.F.R. § 141.24(h). Respondents failed to

monitor the System's water for pesticide/herbicide organic contaminants during the 2011 through 2013 monitoring period and, therefore, violated this requirement.

17. Respondents are required to monitor the System's water for cyanide at least once every 3 years. 40 C.F.R. § 141.23(a) and (c). Respondents failed to monitor the System's water for cyanide during the 2011 through 2013 monitoring period and, therefore, violated this requirement.

18. Respondents are required to monitor the System's water for sodium at least once every 3 years. 40 C.F.R. § 141.41(a). Respondents failed to monitor the System's water for sodium during the 2011 through 2013 monitoring period and, therefore, violated this requirement.

19. Respondents are required to collect a set of total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System's distribution system annually (40 C.F.R. § 141.621) at dates and locations identified in the Monitoring Plan (40 C.F.R. § 141.622(a)(1)). Respondents failed to monitor the System's water for TTHM and HAA5 during 2014, 2015 and 2016, and, therefore, violated this requirement.

20. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1 of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondents failed to prepare and deliver an annual CCR for 2012, 2013, and 2014 to the System's customers and to the EPA. Respondents also failed to provide a certification to the EPA for 2012, 2013 and 2014. Therefore, Respondents violated these requirements.

21. Respondents are required to consult with the EPA regarding the appropriate corrective action within 30 days of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The Respondents received a letter from the EPA on December 12, 2013, that detailed significant deficiencies identified during a Sanitary Survey of the System conducted on June 19, 2013. Respondents failed to either consult with the EPA regarding the corrective actions or notify the EPA of completion of a corrective action, by January 13, 2014, and, therefore, violated this requirement.

22. Respondents are required to complete corrective action of a significant deficiency in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondents were notified of significant

deficiencies on December 12, 2013, but failed to complete corrective action of the significant deficiencies by April 11, 2014, and, therefore, violated this requirement.

23. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the violations cited in paragraphs 10 through 21, above, and, therefore, violated this requirement.

24. Respondents are required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations cited in paragraphs 10 and 11, above, to the EPA and, therefore, violated this requirement.

25. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 12 through 21, above, to the EPA and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

26. Respondents shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of 3 repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

27. Beginning in 2017, Respondents shall monitor the System's water for nitrate annually, as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents received sample results, as required by 40 C.F.R. § 141.31(a).

28. Between June 1, 2017, and September 30, 2017, Respondents shall monitor the System's water for lead and copper, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Within the first 10 days following the end of each monitoring period, Respondents shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90.

29. Respondents shall monitor the System's water for volatile organic contaminants between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.24(f)(6). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a).

30. Respondents shall monitor the System's water for synthetic organic (pesticide / herbicide) contaminants between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.24(h). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a).

31. Respondents shall monitor the System's water for cyanide between January 1, 2017 and December 31, 2017, as required by 40 C.F.R. § 141.23(a) and (c). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

32. Respondents shall monitor the System's water for sodium between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.41(a). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

33. Respondents shall collect 2 sets of TTHM and HAA5 samples in the System's distribution system at the locations and dates identified in the Monitoring Plan, as required by 40 C.F.R. § 141.620 – 622. Respondents shall submit the results of the LRAA compliance calculations to the EPA within 10 days following the end of each compliance period. 40 C.F.R. § 141.629(a).

34. Respondents shall prepare and distribute an annual CCR by July 1, 2017, and provide a certification to the EPA by October 1, 2017, and annually thereafter, as required by 40 C.F.R. §§ 141.151- 155.

35. Within 10 days after receipt of this Order, Respondents shall consult with the EPA regarding appropriate corrective actions for addressing the following significant deficiencies and within 60 days of receipt of this Order submit a corrective action plan and schedule to the EPA. 40 C.F.R. §§ 141.403(a)(4) and 404(a).

- a. Hatch on Finished Water Storage Tank (ST01) is improperly constructed.
  - i. The access hatch must be framed at least 4 inches above the surface of the roof;
  - ii. The tank hatch must be fitted with a solid watertight (rubber gasket) cover;
  - iii. The cover must overlap the framed opening and extend down around the frame at least 2 inches;



- iv. The cover must have a locking device.
- b. Air vent on Finished Water Storage Tank (ST01) is improperly constructed.
  - i. The vent must be fitted with a #24 mesh screen.
  - ii. Evaluate whether the above-ground tank needs a vacuum/pressure relief valve or mechanism to prevent damage to the tank.
  - iii. Any corrective actions needed to address the tank construction, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule.
- c. The spring (SP01) sedimentation basin hatch/entry is improperly constructed.
  - i. The hatch must have a rubber gasket around the hatch perimeter.
- d. No operator employed by the system holds a current Water Treatment or Distribution certificate at the appropriate level. Within 30 days of receipt of this Order, Respondents shall notify the EPA of a plan and schedule for having a certified operator for this System. The schedule will be incorporated into the Order. If a contract operator is hired, Respondents shall provide a copy of the contract with the operator to the EPA.
- e. Unknown integrity of storage tank (ST01). The sanitary surveyor was unable to locate and evaluate the outlet of the overflow and drain lines at the Whiterocks Storage Tank (ST01) and the water system was not able to produce documentation of the construction, location or condition of these components.
  - i. Respondent shall inspect the structure of the storage tank overflow and drain lines and compare to the enclosed *Tech Tips for Finished Water Storage Access Hatches, Vents, Overflows and Drains* to determine if corrective action is needed.
  - ii. Respondent shall submit an inspection report to the EPA that includes
    - 1. Description of the condition of each specified tank component,
    - 2. Labeled photographs of each specified tank component,
    - 3. Any corrective actions needed to address deficiencies of the tank components, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule. The EPA will review the inspection report and may require additional corrective actions.
- f. Unknown integrity of Whiterocks spring collection lateral/access manholes. The entire spring collection area, which covers many acres and reportedly consists of about 2,500 feet of perforated infiltration piping at depths of 10 to 20 feet below the surface, could not be thoroughly evaluated during the sanitary survey.



- i. Each manhole in the spring collection system must be inspected by a third-party water professional or trained in-house staff to determine if each manhole is watertight, to prevent entrance of surface water and other contaminations. The documentation of the inspection results must include the following information for each manhole:
    1. A description of the condition of the manhole and its cover;
    2. Labeled photographs showing the condition of the manhole and cover, including surrounding geography (vegetation, standing water, etc.);
    3. Whether there are any missing bolts or holes in the lid;
    4. Whether there is a flexible and intact rubber gasket inside the lid;
    5. Any evidence of algae or insects inside the manhole (such as along the rim or inside the concrete). Include labeled photos showing the gasket and rim when lid is open, and the inside of the concrete and standing water;
    6. Whether the area around the manhole is flooded or marshy, or any evidence that flooding occurs seasonally;
    7. Whether there is deep-rooted vegetation near the manhole;
    8. Whether the water in the manhole ever gets so high due to head that it actually flows up out of the manhole covers.
  - ii. Any corrective actions needed to address deficiencies of the manhole components, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule. The EPA will review the inspection report and may require additional corrective actions.
- g. Whiterocks spring is potentially ground water under the direct influence of surface water (GWUDISW). After completing any structural improvements to the spring system to minimize surface water intrusion, potentially caused by the significant deficiencies identified above, conduct a minimum of 2 raw water microscopic particulate analyses (MPAs) at the spring. The MPAs must be collected during at least 2 “wet seasons” during the time when the spring is most susceptible to surface water influence (typically when a heavy rain or snow event occurs in spring or fall). The first MPA was collected April 13-14, 2015. The second MPA will be scheduled during wet weather in 2017.

36. The plan shall include proposed modifications to the System, estimated costs of modifications, and a proposed schedule for completion of corrective actions outlined in paragraph 35, above. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of the EPA’s approval of the schedule. The schedule must be approved by the EPA before construction or modifications may begin.

37. The schedule required by paragraph 35, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

38. Within 30 days after receipt of the EPA's approval of the schedule required by paragraph 35, above, Respondents shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with treatment technique requirements for ground water systems. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.

39. Within 10 days after completing all tasks included in the schedule required by paragraph 35, above, Respondents shall notify the EPA of the project's completion.

40. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 10 through 21, above. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to the EPA.

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

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

43. If Respondents contract with or hires any other person or entity to operate the System, Respondents shall, no later than the date of such contract, provide a copy of this Order to the contractor. No later than 10 days thereafter, Respondents shall notify the EPA in writing of the contract, with such notification to include the name and contact information of the person who has contracted to operate the System, and a copy of the contract. Respondents shall remain obligated to comply with this Order even if Respondents hire another person or entity to operate the System.

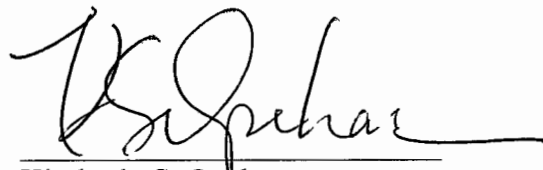
44. Respondents shall send all reporting and notifications required by this Order in writing to:

U.S. EPA Region 8 (8WP-SD)  
1595 Wynkoop  
Denver, Colorado 80202-1129

**GENERAL PROVISIONS**

45. 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.
46. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.
47. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
48. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

Issued: June 15th, 2017.



Kimberly S. Opekar  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance,  
and Environmental Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ATTENTION 5 PM 3:48  
REGION 8

FILED  
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IN THE MATTER OF: \_\_\_\_\_ )  
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 ) Docket No. **SDWA-08-2017-0020**  
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 Ute Indian Tribe and Ute Tribe Public Works, ) **ADMINISTRATIVE ORDER**  
 Uriah Heeps Spring Public Water System, )  
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 \_\_\_\_\_ Respondents. )

1. This Order is issued under the authority vested in the Administrator of the United States 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 officials.
2. Respondent Ute Indian Tribe is a federally recognized tribe governed by the Uintah & Ouray Business Committee consisting of a Chairperson, Vice Chairperson and two representatives from each Band.
3. Respondent Ute Tribe Public Works is an entity organized under the laws of the Uintah & Ouray Business Committee to provide, in part, drinking water services to some of the tribal communities located within the exterior boundaries of the Ute Reservation.
4. Respondents Ute Indian Tribe (Tribe) and Ute Tribe Public Works own and/or operate the Uriah Heeps Spring Public Water System (System), which provides piped water to the public for human consumption.
5. The System is supplied by a groundwater source. The System collects water from a subsurface collection system and routes the collected water to a water treatment plant. The water is treated with phosphoric acid, sodium fluoride, and gaseous chlorine for disinfection. The system has not notified EPA that its water is treated to meet at least a 4-log, 99.99% removal of viruses.
6. On September 9, 1999, EPA approved the corrosion control treatment recommended by the System, as required by 40 C.F.R. § 141.82(d). On October 30, 2001, EPA designated Optimal Water Quality Parameters (OWQPs) of a minimum pH level of 7.0 and a minimum concentration of 3.0 mg/l of orthophosphate in the distribution system.
7. Three public water systems (Ballard Water Improvement District, Ouray Park, and Johnson Water District-Independence) regulated by the Utah Department of Environmental Quality, Division of Drinking Water purchase water from the System as their only source. In 2012, Johnson Water District-Independence exceeded the Action Level of Copper. The System last monitored for Lead and Copper on August 23, 2011. In the absence of distribution system monitoring from the System, the Action Level Exceedance for Copper of the consecutive system,

Johnson Water District-Independence, triggers water quality parameter monitoring, as required by 40 C.F.R. § 141.87(d).

8. Respondents are required to monitor disinfection by-products in accordance with the System's Stage 2 Monitoring Plan (Monitoring Plan) dated August 6, 2014, pursuant to 40 C.F.R. § 141.622.

9. The System has approximately 765 service connections used by year-round residents and/or regularly serves an average of approximately 1400 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

10. Respondents are 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).

11. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

12. Prior to issuing this Order, the EPA has provided Respondents extensive technical and compliance assistance to return the System to compliance with the Act and the Drinking Water Regulations.

### **VIOLATIONS**

13. Respondents are required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.21(a) and 141.857(b). Respondents failed to monitor the System's water for total coliform bacteria during September 2012, January and March 2013, February 2014, and August and October 2016, and, therefore, violated this requirement.

14. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During each of the months of February and April 2013, two or more samples from the System were positive for total coliform and, therefore, Respondents violated this requirement.

15. Respondents are required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. 40 C.F.R. § 141.402. For triggered source water monitoring, Respondents must sample each ground water source and have it analyzed for a fecal indicator (i.e. *E. coli*). Respondents were notified on February 20, 2013, that a routine sample (collected pursuant to 40 C.F.R.

§ 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondents failed to collect any ground water source samples within 24 hours and therefore, violated this requirement. 40 C.F.R. § 141.402.

16. Respondents are required to monitor the System's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor the System's water for nitrate during 2011 and 2013 and, therefore, violated this requirement.

17. Respondents were required to monitor the System's water triennially between 2012 through 2014, and annually in 2015 and 2016 for lead and copper, and to collect at least 10 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondents failed to monitor the System's water for lead and copper during the 2012 through 2014 monitoring period and the 2015 and 2016 monitoring periods and, therefore, violated this requirement.

18. Respondents are required to monitor the System's water at least once every 3 years for certain volatile organic contaminants. 40 C.F.R. § 141.24(f)(6). Respondents failed to monitor the System's water for volatile organic contaminants during the 2011 – 2013 monitoring period and, therefore, violated this requirement.

19. Respondents are required to monitor the System's water for synthetic organic (pesticide / herbicide) contaminants at least once every 3 years. 40 C.F.R. § 141.24(h). Respondents failed to monitor the System's water for pesticide/herbicide organic contaminants during the 2011 – 2013 monitoring period and, therefore, violated this requirement.

20. Respondents are required to monitor the System's water for cyanide at least once every 3 years. 40 C.F.R. § 141.23(a) and (c). Respondents failed to monitor the System's water for cyanide during the 2011 – 2013 monitoring period and, therefore, violated this requirement.

21. Respondents are required to monitor the System's water for sodium at least once every 3 years. 40 C.F.R. § 141.41(a). Respondents failed to monitor the System's water for sodium during the 2011 – 2013 monitoring period and, therefore, violated this requirement.

22. Respondents are required to collect a set of total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System's distribution system (40 C.F.R. § 141.621) at dates and locations identified in the Monitoring Plan (40 C.F.R. § 141.622(a)(1)). Respondents failed to monitor the System's water for TTHM and HAA5 during 2014 and 2016, and failed to monitor in the correct month of July during 2015 as specified in the Monitoring Plan, and, therefore, violated this requirement.

23. Respondents are required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1 of each year and to certify to the EPA that it has done so. The CCR is to include information about the quality of the System's water using data

collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondents failed to prepare and deliver an annual CCR for 2012, 2013 and 2014, to the System's customers and to the EPA. Respondents also failed to provide a certification to the EPA for 2012, 2013 and 2014. Therefore, Respondents violated these requirements.

24. Respondents are required to consult with EPA regarding the appropriate corrective action within 30 days of receiving written notification from EPA of a significant deficiency. 40 C.F.R. § 141.403(a)(4). Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). The Respondents received a letter from EPA on November 1, 2013, that detailed significant deficiencies identified during a Sanitary Survey of the System conducted on June 19-20, 2013. Respondents failed to either consult with EPA regarding the corrective actions, or notify EPA of completion of a corrective action, by December 1, 2013, and, therefore, violated this requirement.

25. Respondents are required to complete corrective action of a significant deficiency in compliance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of the significant deficiency. 40 C.F.R. § 141.404. Respondents are required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondents were notified in writing of significant deficiencies on November 1, 2013, but failed to complete corrective action of the significant deficiencies by March 1, 2014, and, therefore, violated this requirement.

26. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. With the exception of the April 2013 MCL for total coliform bacteria, Respondents failed to notify the public of the violations cited in paragraphs 13 through 25 above, and, therefore, violated this requirement.

27. Respondents are required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations cited in paragraph 13, above, to EPA and, therefore, violated this requirement.

28. Respondents are required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondents did not notify the EPA of the MCL violations cited in paragraph 14, above, and, therefore, violated this requirement.

29. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 13 through 25, above, to the EPA and, therefore, violated this requirement.



**ORDER**

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

30. Respondents shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of 3 repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).

31. If the System (1) has more than 1 positive total coliform sample result (including routine and repeat samples) within the same month, or (2) fails to collect 3 repeat samples following a total coliform positive sample, Respondents shall conduct a Level 1 assessment within 30 days of learning of the violation (the "trigger date") to determine the cause of the total coliform positive samples. 40 C.F.R. § 141.859. The Level 1 assessment must identify corrective action for any sanitary defects identified in the assessment. The System shall use the attached form when conducting the Level 1 assessment and submit it to the EPA within 30 days of triggering the Level 1 assessment, or, if corrective action requires changes to the System or will take longer than 30 days to complete, a schedule must be approved by the EPA following consultation. Corrective action of sanitary defects requiring consultation must be completed no later than the approved timeframe.

32. If the System triggers more than 1 Level 1 assessment in a rolling 12 month period or has an *E. coli* MCL violation, as specified in 40 C.F.R. § 141.860(a), then a Level 2 assessment shall be performed within 30 days of learning of the trigger. 40 C.F.R. § 141.859. The System shall use the attached form when conducting the Level 2 assessment. Corrective action of sanitary defects should be completed within 30 days of triggering the Level 2 assessment, or, if corrective action requires changes to the System or will take longer than 30 days to complete, a schedule must be approved by the EPA following consultation. Corrective action of sanitary defects requiring consultation must be completed no later than the approved timeframe.

33. If a schedule is required by the above paragraphs, it shall be incorporated into this Order as an enforceable requirement upon written approval of the EPA.

34. Within 48 hours after receipt of this Order, Respondents shall collect at least 1 water sample from its ground water source for fecal indicator analysis (*E. coli*). If the sample is negative, Respondents shall report that result to the EPA no later than 10 days after the end of the month in which the sample is taken. If the sample is positive, Respondents shall notify the

EPA immediately for appropriate assistance in meeting the requirement of 40 C.F.R. § 141.402(g) to provide public notice within 24 hours as required by 40 C.F.R. § 141.202. Thereafter, Respondents shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402. When reporting any triggered source water sample result to the EPA, Respondents shall specify that it is a triggered source water sample.

35. Beginning in 2017, Respondents shall monitor the System's water for nitrate, and annually thereafter, as required by the Drinking Water Regulations. 40 C.F.R. § 141.23. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents received sample results, as required by 40 C.F.R. § 141.31(a).

36. Between June 1, 2017, and September 30, 2017, Respondents shall monitor the System's water for lead and copper, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Within the first 10 days following the end of each monitoring period, Respondents shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90.

37. Respondents shall maintain OWQPs at a minimum pH level of 7.0 and a minimum residual concentration of 3.0 mg/l orthophosphate in the distribution system. Respondents shall monitor and report Water Quality Parameters (WQPs) as required by 40 C.F.R. § 141.87(c) and 141.90.

- a. In the distribution system, 2 samples every 6 months for
  - i. pH
  - ii. orthophosphate, and
  - iii. water temperature
- b. at each entry point to the distribution system, at least 1 sample no less frequently than every two weeks for:
  - i. pH
  - ii. orthophosphate, and
  - iii. water temperature
- c. Submit WQP monitoring results within 10 days of the end of each 6-month monitoring period.

38. Respondents shall monitor the System's water for volatile organic contaminants between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.24(f)(6). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a).

39. Respondents shall monitor the System's water for synthetic organic (pesticide / herbicide) contaminants between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.24(h). Respondents shall report any analytical results to the EPA within the first 10

days following the month in which sample results are received as required by 40 C.F.R. § 141.31(a).

40. Respondents shall monitor the System's water for cyanide between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.23(a) and (c). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

41. Respondents shall monitor the System's water for sodium between January 1, 2017, and December 31, 2017, as required by 40 C.F.R. § 141.41(a). Respondents shall report any analytical results to the EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

42. Respondents shall collect two sets of TTHM and HAA5 samples in the System's distribution system at the locations and dates (annually during July) identified in the Monitoring Plan, as required by 40 C.F.R. § 141.620 – 622. Respondents shall submit the results of the LRAA compliance calculations to the EPA within 10 days following the end of each compliance period. 40 C.F.R. § 141.629(a).

43. Respondents shall prepare and distribute an annual CCR by July 1, 2017, and provide a certification to the EPA by October 1, 2017, and annually thereafter, as required by 40 C.F.R. §§ 141.151- 155.

44. Within 10 days after receipt of this Order, Respondents shall consult with the EPA regarding appropriate corrective actions for addressing the following significant deficiencies and within 60 days of receipt of this Order submit a corrective action plan and schedule to the EPA. 40 C.F.R. §§ 141.403(a)(4) and 404(a).

- a. Gusher Tank (ST01) integrity is at risk due to several large trees growing close to the tank.
  - i. Describe how you will address the trees, and if necessary their root systems, to protect tank integrity.
  - ii. Any corrective actions needed to address the tank integrity, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule.
  
- b. Hatches on above-ground finished water storage tanks are improperly constructed.
  - i. The BIA Tank (ST05) hatch must be tightly sealed or locked.
  - ii. The 1MG Tank (ST06) access hatch must be locked or tightly sealed,
  - iii. The 1MG Tank (ST06) must have a rubber gasket.

- c. Below ground tanks are improperly constructed.
  - i. The Gusher Tank (ST01) access hatch must be at least 24 inches above the roof or ground,
  - ii. The Gusher Tank (ST01) must be tightly sealed or locked,
  - iii. The Gusher Tank (ST01) must have a rubber gasket.
  
- d. Air vents on finished water storage tanks are improperly constructed.
  - i. The Gusher Tank (ST01) must have #24 mesh screen on the vent.
  - ii. The BIA Tank (ST05) must have #24 mesh screen on the vent.
  
- e. Overflows on finished water storage tanks are improperly constructed.
  - i. The Gusher Tank (ST01) overflow/drain line must have #24 mesh screen, and debris at the bottom of the must be cleaned.
  - ii. The Gusher Tank (ST01) overflow/drain line must terminate between 12 and 24 inches above a splash plate.
  - iii. The Bottle Hollow #1 Tank (ST02) overflow/drain line must terminate between 12 and 24 inches above a splash plate.
  - iv. The Bottle Hollow Tank #2 (ST03) overflow/drain line flapper valve must properly seal, and terminate between 12 and 24 inches above a splash plate.
  - v. The new 1 MG Tank (ST06) overflow/drain flapper valve must be repaired.
  
- f. The spring (SPR01) Sedimentation Basin access hatch is improperly constructed.
  - i. The access hatch must be elevated a minimum of 24 inches above the top of the basin or ground surface, whichever is higher;
  - ii. The hatch must be fitted with a solid watertight (rubber gasket) cover;
  - iii. The cover must overlap the framed opening and extend down around the frame at least two inches;
  - iv. The cover must be hinged at 1 side.
  
- g. No operator employed by the System holds a current Water Treatment or Distribution certificate at the appropriate level. Within 30 days of receipt of this Order, Respondents shall notify the EPA of a plan and schedule for having a certified operator for this System. The schedule will be incorporated into the Order. If a contract operator is hired, Respondents shall provide a copy of the contract with the operator to the EPA.
  
- h. Unknown integrity of storage tanks. The sanitary surveyor was unable to evaluate the Bottle Hollow #1 (ST02) access hatch, air vent, and roof penetrations, and the New 1 MG Tank (ST06) air vent.

- i. Respondent shall inspect the structure of the storage tanks and compare to the enclosed *Tech Tips for Finished Water Storage Access Hatches, Vents, Overflows and Drains* to determine if corrective action is needed.
  - ii. Respondent shall submit an inspection report to the EPA that includes
    1. Description of the condition of each specified tank component,
    2. Labeled photographs of each specified tank component,
    3. Any corrective actions needed to address deficiencies of the tank components, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule. The EPA will review the inspection report and may require additional corrective actions.
- i. Unknown integrity of Uriah Heeps spring collection lateral/access manholes. The entire spring collection area, which covers many acres and reportedly consists of about 2,500 feet of perforated infiltration piping at depths of 10 to 20 feet below the surface, could not be thoroughly evaluated during the sanitary survey.
- i. Each manhole in the spring collection system must be inspected by a third-party water professional or trained in-house staff to determine if each manhole is watertight, to prevent entrance of surface water and other contaminations. The documentation of the inspection results must include the following information for each manhole:
    1. A description of the condition of the manhole and its cover;
    2. Labeled photographs showing the condition of the manhole and cover, including surrounding geography (vegetation, standing water, etc.);
    3. Whether there are any missing bolts or holes in the lid;
    4. Whether there is a flexible and intact rubber gasket inside the lid;
    5. Any evidence of algae or insects inside the manhole (such as along the rim or inside the concrete). Include labeled photos showing the gasket and rim when lid is open, and the inside of the concrete and standing water;
    6. Whether the area around the manhole is flooded or marshy, or any evidence that flooding occurs seasonally;
    7. Whether there is deep-rooted vegetation near the manhole;
    8. Whether the water in the manhole ever gets so high due to head that it actually flows up out of the manhole covers.
  - ii. Any corrective actions needed to address deficiencies of the manhole components, and the dates by which each corrective action will be completed shall be included in the corrective action plan and schedule. The EPA will review the inspection report and may require additional corrective actions.

- j. Uriah Heeps spring is potentially ground water under the direct influence of surface water (GWUDISW). After completing any structural improvements to the spring system to minimize surface water intrusion, as identified by the significant deficiencies above, conduct a minimum of two raw water microscopic particulate analyses (MPAs) at the spring. The MPAs must be collected during at least two “wet seasons” during the time when the spring is most susceptible to surface water influence (typically when a heavy rain or snow event occurs in spring or fall). The first MPA was collected April 13-14, 2015. The second MPA will be scheduled during wet weather in 2017.

45. The plan shall include proposed modifications to the System, estimated costs of modifications, and a proposed schedule for completion of corrective actions outlined in paragraph 44, above. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 6 months from the date of the EPA’s approval of the schedule. The schedule must be approved by the EPA before construction or modifications may begin.

46. The schedule required by paragraph 44, above, shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.

47. Within 30 days after receipt of the EPA’s approval of the schedule required by paragraph 44, above, Respondents shall provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with treatment technique requirements for groundwater systems. Each quarterly report is due by the 10<sup>th</sup> day of the month following the relevant quarter.

48. Within 10 days after completing all tasks included in the schedule required by paragraph 44, above, Respondents shall notify the EPA of the project’s completion.

49. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 12 through 24, above. Thereafter, following any future violation of the Drinking Water Regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to the EPA.

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

51. Respondents shall report any violation of the Revised Total Coliform Rule requirements in 40 C.F.R. part 141 subpart Y to the EPA within the time period specified for reporting particular violations, as required by 40 C.F.R. § 141.861.

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

53. If Respondents contract with or hires any other person or entity to operate the System, Respondents shall, no later than the date of such contract, provide a copy of this Order to the contractor. No later than 10 days thereafter, Respondents shall notify the EPA in writing of the contract, with such notification to include the name and contact information of the person who has contracted to operate the System and a copy of the contract. Respondents shall remain obligated to comply with this Order even if Respondents hire another person or entity to operate the System.

54. Respondents shall send all reporting and notifications required by this Order in writing to:

U.S. EPA Region 8 (8WP-SD)  
1595 Wynkoop  
Denver, Colorado 80202-1129

#### **GENERAL PROVISIONS**

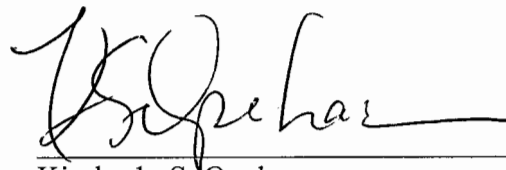
55. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

56. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents to a civil penalty of up to \$54,789 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.



57. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
58. This Order is effective upon receipt by Respondents and will continue to be in effect until closed by the EPA.

Issued: June 15th, 2017.



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Kimberly S. Opekar  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance,  
and Environmental Justice

# Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice – Template 2-21

## 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 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 primacy agency may have more stringent requirements for treatment technique violations. Check with your agency 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.

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

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

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

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this 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 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.

### 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. 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:

- 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.

### Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

### After Issuing the Notice

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

**GWR Failure to Take Corrective Action Within Required Time Frame  
Notice – Template 2-21**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**Uriah Heeps Spring Failed to Correct a Significant Deficiency Within  
Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

A routine inspection conducted on June 19, 2013, by the Environmental Protection Agency (EPA) found several significant deficiencies in our water system. We were notified of these deficiencies on November 1, 2013.

As required by EPA's Ground Water Rule, we were required to take action to correct these deficiencies. However, we failed to take this action by the deadline established by EPA, March 1, 2014.

**What should I do?**

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

**What does this mean?**

This is not an emergency. If it had been, you would have been notified within 24 hours.

*\*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, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**What is being done?**

We are working with EPA and IHS to correct the identified deficiencies. We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact Tracy Warrick at 435-772-5176 or [mailing 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 Uriah Heeps Spring. State Water System ID#: 084990002.

Date distributed: \_\_\_\_\_.

# Instructions for GWR Failure to Take Corrective Action Within Required Time Frame Notice – Template 2-21

## 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 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 primacy agency may have more stringent requirements for treatment technique violations. Check with your agency 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.

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

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

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

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this 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 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.

### 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. 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:

- 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.

### Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

### After Issuing the Notice

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

**GWR Failure to Take Corrective Action Within Required Time Frame  
Notice – Template 2-21**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**Whiterocks Failed to Correct a Significant Deficiency Within Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

A routine inspection conducted on June 19, 2013, by the Environmental Protection Agency (EPA) found several significant deficiencies in our water system. We were notified of these deficiencies on December 12, 2013.

As required by EPA's Ground Water Rule, we were required to take action to correct these deficiencies. However, we failed to take this action by the deadline established by EPA, April 11, 2014.

**What should I do?**

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

**What does this mean?**

This is not an emergency. If it had been, you would have been notified within 24 hours.

*\*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, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

**What is being done?**

We are working with EPA and IHS to correct the identified deficiencies. We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact Tracy Warrick at 435-772-5176 or [mailing 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 Whiterocks. State Water System ID#: 084990003 .

Date distributed: \_\_\_\_\_.

# Instructions for Resolved Total Coliform Notice – Template 2-2

## Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, 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)]. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

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

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

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

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this 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 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.

### Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take at Least 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

### Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform 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 have increased sampling for coliform bacteria to catch the problem early if it happens again.
- The well and/or distribution system has been disinfected and additional samples do not show the presence of coliform bacteria.

### After Issuing the Notice

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

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Tests Showed Coliform Bacteria in Uriah Heeps Spring Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took six samples to test for the presence of coliform bacteria during February 2013 and April 2013. Three samples each month showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

#### What should I do?

- You do not need to boil your water or take other corrective actions. 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. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

#### What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves. *\*Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.\**

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.**

#### What is being done?

[Describe corrective action.] Further testing shows that this problem has been resolved.

For more information, please contact Tracy Warrick at 435-722-5176 or 7788 E. 8th South, Fort Duchesne, UT.

*\*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 Uriah Heeps Spring Water System. State Water System ID#: 084990002.

Date distributed: \_\_\_\_\_.