



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2008 DEC - 0 1 1:00

Ref: 8ENF-W

DEC - 8 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Arnold Lamb, Mayor
Town of Plymouth
POB 130
Plymouth, UT 84330-0130

Re: Administrative Order
Docket No. SDWA-08-2008-0100
PWS ID #UTAH02013

Dear Mayor Lamb:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the Town of Plymouth (Town) has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information the Town believes EPA may not have. If the Town complies with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

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

Enclosures (Order, public notice template)

cc: Patti Fauver, UT DEQ
Brian Scott Starr, operator, Town of Plymouth
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 DEC -9 PM 11:25

IN THE MATTER OF)
)
Town of Plymouth, Utah)
)
Respondent.)
_____)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0100

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. The Town of Plymouth (Respondent) is a municipality that owns and/or operates the Town of Plymouth Water System (the system) in Box Elder County, Utah which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of four springs and one well treated by chlorination and serves approximately 386 people through 112 service connections year-round. The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

3. The Utah Department of Environmental Quality (DEQ or the State) has primary enforcement authority for the Act in the State of Utah. On September 3, 2008, EPA issued a Notice of Violation to the State regarding the violations at the system. The State elected not to commence an enforcement action against the system for the violations within the thirty-day timeframe set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State as well as the opportunity to confer with EPA regarding this Order pursuant to Section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

VIOLATIONS

4. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL). 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2005, 2006, and 2007 and, therefore, violated this requirement. Respondent has monitored for nitrate in 2008.

5. Respondent was required to initially monitor the system's water for four consecutive quarterly samples during 2007 to determine compliance with the MCL for radium-228. 40 C.F.R. § 141.26(a). Respondent failed to monitor the water for contamination of radium-228 during the 1st (January-March), 2nd (April-June), 3rd (July-September), and 4th (October-December) quarters of 2007 and, therefore, violated this requirement. Respondent has monitored for radium-228 during the 2nd and 3rd quarters of 2008.

6. Respondent is required to monitor the system's water once in each 3 year compliance period to determine compliance with the MCL for inorganic contaminants. 40 C.F.R. § 141.23(c)(1). Respondent failed to monitor the water for inorganic contaminants in the 3 year compliance period 2005-2007 and, therefore, violated this requirement. Respondent has monitored for inorganic contaminants in 2008.

7. Respondent is required to measure the residual disinfectant in the distribution system monthly at the same point and at the same time as total coliforms are sampled. 40 C.F.R. § 141.132(c)(1) and 40 C.F.R. § 141.21, and report results to the State quarterly. 40 C.F.R. § 141.134. Respondent failed to monitor the water for maximum residual disinfectant each month from January 2007 through March 2008 and, therefore, violated this requirement.

8. Respondent is required to collect one water sample per year to determine compliance with the MCL for disinfection byproducts. 40 C.F.R. § 141.132(b). Respondent failed to monitor for disinfection byproducts during 2007 and, therefore, violated this requirement. Respondent has monitored for disinfection byproducts in 2008.

9. Respondent is required to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample. 40 C.F.R. § 141.21(b). Respondent failed to collect a set of repeat samples after a February 2007 total coliform positive routine sample and, therefore, violated this requirement.

10. Respondent is required to collect 5 routine total coliform samples the month after the system has one or more total coliform positive samples. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least 5 routine samples in February 2007 after a total coliform positive sample in the preceding month and, therefore, violated this requirement.

11. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 5 through 10 above and, therefore, violated the requirement. The nitrate monitoring violations were included in the system's annual consumer confidence report (CCR).

12. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraph 13 below) to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4 through 8 and paragraph 11 above to the State and, therefore, violated this requirement.

13. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraphs 9 and 10 above and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

14. Respondent shall monitor annually for nitrate as required by the drinking water regulations. 40 C.F.R. § 141.23(d).
15. Respondent shall monitor quarterly for radium-228 until notified by Utah DEQ to discontinue, and per the regulations thereafter. 40 C.F.R. § 141.26(a).
16. Respondent shall monitor for inorganic contaminants every three years. Respondent's next sample is due in the monitoring period of 2011-2013. 40 C.F.R. § 141.23(c)(1).
17. Respondent shall measure the residual disinfectant in the distribution system monthly at the same point and at the same time as total coliforms are sampled. 40 C.F.R. § 141.132(c)(1) and 40 C.F.R. § 141.21. Respondent shall report results to EPA and the State quarterly. 40 C.F.R. § 141.134.
18. Respondent shall monitor disinfection byproducts annually in the month of warmest water temperature. 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (HAA5) to determine compliance with the disinfection byproduct MCLs as stated in 40 C.F.R. § 141.64(a).
19. Respondent shall comply with all total coliform repeat sampling requirements. 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat total coliform bacteria samples within 24 hours of being notified of a total coliform positive routine sample.
20. Respondent shall comply with all total coliform bacteria routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples.
21. Respondent shall report all analytical results to the EPA and the State within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).
22. Within 30 days of receipt of this Order, Respondent shall provide notice to the public of the violations listed in paragraphs 5 through 10 above. 40 C.F.R. § 141.201 *et seq.* Specific notice requirements can be found in the attached public notice sample. Respondent shall notify the public of any future violations. Respondent shall send a copy of the notice to EPA and the State within 10 days after providing the notice.

23. Respondent shall report any violation of the drinking water requirements to EPA and the State within 48 hours (except where a different reporting period is specified in paragraph 24 below). 40 C.F.R. § 141.31(b).

24. Respondent shall report any violation of total coliform monitoring requirements to EPA and the State within 10 days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

25. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich, 8ENF-W	AND	Patti Fauver, Rule Manager
U. S. EPA Region 8		Dept. Environmental Quality
1595 Wynkoop Street		POB 144830
Denver, CO 80202-1129		Salt Lake City, UT 84114-4830

GENERAL PROVISIONS

26. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

27. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

12/8/08
Date

Michael T. Risner
Michael T. Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

12-05-08
Date

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER TOWN OF PLYMOUTH

DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2005, 2006, 2007, 2008

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 2005 through 2008 we did not complete all monitoring or testing for nitrate, radium-228, inorganic contaminants, residual disinfectant, disinfection byproduct precursors, and total coliform bacteria and, therefore, cannot be sure of the quality of our drinking water during that time.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Nitrate	Annually	0	2005, 2006, 2007	2008
Radium-228	Quarterly in 2007	0	2007	2 nd & 3 rd quarter 2008
Inorganics	Every 3 year period	0	2005-2007	2008
Residual Disinfectant	Monthly	0	All months in 2007, Jan-Mar 2008	2008 (did 2007-results lost)
Disinfection Byproducts	Annually	0	2007	2008
Bacteriological Repeat	Four samples 24 hours after a total coliform positive	0	February 2007	January, June 2007
Bacteriological Additional Routine	5 samples month after total coliform bacteria positive	1	February 2007	March, July 2007

What happened? What is being done?

Will sample as required in the future. Call Scott at 435-452-2365 if you have questions.

Please share this information with all the other people who drink this water. You can do this by posting this notice in a public place or distributing copies by hand or mail.

Note: send copy to EPA and the State after public notice is complete with the date distributed and signature.

Instructions for Monitoring Violations Annual Notice--Template 3-1

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 (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

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

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

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* (141.205(d)(2)). 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:

- 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.
- 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.]
- 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 your primacy agency 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 (141.31(d)).