



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2009 JUL 28 AM 10:14

Ref: 8ENF-W

JUL 28 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Notice of Violation  
Docket No. **SDWA 08-2009-0069**  
Sunset Park Water Company  
PWS ID # UTAH02069

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.

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 § 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the System if the State of Utah (the State) does not commence an appropriate enforcement action within 30 days of receiving this notice.

The violations are listed below.

Date of Violation	Violation
2008	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
February 2009	Exceedance of the total coliform maximum contaminant level (MCL) [40 C.F.R. § 141.63]
2004, 2005	Failure to monitor for lead and copper [40 C.F.R. § 141.86(d)(4)]

2005-2007	Failure to monitor for inorganic contaminants [40 C.F.R. § 141.23(c)(1)]
2005-2007	Failure to monitor for pesticide/herbicide organic contaminants [40 C.F.R. § 141.24(h)]
2005-2007	Failure to monitor for volatile organic contaminants [40 C.F.R. § 141.24(f)]
2005-2008	Failure to provide public notice of above violations [40 C.F.R. §141.201 <u>et seq.</u> ]
2004-2009	Failure to report above violations to the State [40 C.F.R. §§ 141.21(g)(1), and 141.31(b)]

In addition to the above-mentioned violations, results from the December 20, 2007 lead sampling show that the System exceeded the lead action level and as a result, the System was required to perform the following steps and has failed to do so:

- Monitor for lead/copper during consecutive 6 month periods beginning January 1, 2008. [40 C.F.R. § 141.86(d)(4)]
- Beginning in the first calendar quarter of 2008, and at least quarterly thereafter, insert information on the lead exceedance in each customer's water bill. Also by February 29, 2008 perform public education activities. Repeat public education every 12 months. [40 C.F.R. § 141.85]
- Monitor for source water lead/copper by June 30, 2008. [40 C.F.R. § 141.88(b)]
- Monitor for water quality parameters during consecutive 6 month periods beginning January 1, 2008. [40 C.F.R. § 141.87(b)]
- Develop and submit an optimal corrosion control treatment recommendation by June 30, 2008. [40 C.F.R. §§ 141.81(e)(1), and 141.82]

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

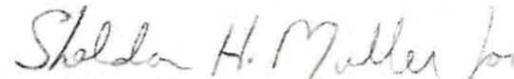
If the State does not commence an appropriate enforcement action concerning the System within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the System.

Please have your staff notify Shawn McCaffrey at (303) 312-6515 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the System's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



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



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

Enclosure

SBREFA fact sheet

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ DW (w/o enclosure – fact sheet)  
Cody Bateman, Sunset Park Water Company