



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

JUN 29 2009

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Douglas M. Draper, Owner  
Chester Park Water System  
50 E 100 N #103  
Mt. Pleasant, UT 84623

Re: Administrative Order  
Docket No. SDWA-08-2009-0046  
PWS ID # UTAH20060

Dear Mr. Draper:

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 you, as owner of the Chester Park Water System, have 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 you believe EPA may not have. If you comply 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.

The Order requires you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template to assist in providing that notice.

To submit information or request an informal conference with EPA, contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. For legal questions, the attorney assigned to



this matter is Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order  
Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ DW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 JUN 29 PM 2:13

FILED  
EPA REGION VIII  
HEARING CLERK

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IN THE MATTER OF )  
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Douglas M. Draper, Owner )  
Chester Park Water System )  
Chester, Utah )  
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Respondent. )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
Docket No. SDWA-08-2009-0046

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. Douglas M. Draper (Respondent) is an individual who owns and/or operates the Chester Park Water System (the system) in Sanpete County, Utah, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves an average of 120 people daily through 40 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 has primary enforcement authority for the Act in the State of Utah (State). On May 12, 2009, 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 2006, and, therefore, violated this requirement.



5. Respondent is required to monitor the system's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for total coliform bacteria contamination during November 2004, December 2007, and August 2008, and, therefore, violated this requirement.

6. Respondent is required to monitor the system's water at least once per month to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in March 2007 and June 2007 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

7. 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 within 24 hours after total coliform positive routine samples in September 2005, March 2007, June 2007, and August 2007, and, therefore, violated this requirement.

8. Respondent is required to collect five 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 five routine samples in April 2007 and July 2007 after a total coliform positive sample in each preceding month and, therefore, violated this requirement.

9. Respondent is required to monitor the system's water annually for lead and copper contamination. 40 C.F.R. § 141.86(d). Respondent failed to monitor for lead and copper contamination annually from 2003 through 2008, and, therefore, violated this requirement.

10. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for pesticide/herbicide organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(h). Respondent failed to sample for pesticide/herbicide organic contaminants during the 2002-2004 and 2005-2007 monitoring periods and, therefore, violated this requirement.

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

12. Respondent was required to 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 1<sup>st</sup> (January-March), 2<sup>nd</sup> (April-June), 3<sup>rd</sup> (July-September), and 4<sup>th</sup> (October-December) quarter of 2007 and, therefore, violated this requirement.

13. Respondent is required to report any total coliform MCL violation at the system to the State by the end of the next business day after the system learns of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to the State the MCL violations listed in paragraph 6 above and, therefore, violated this requirement.

14. 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 4 through 12 above and, therefore, violated this requirement. Public notice for failure to monitor violations that occurred in 2008 is not yet overdue.

15. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learns 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 5, 7 and 8 above and, therefore, violated this requirement.

16. Respondent is required to report any other failure to comply with any of the drinking water regulations to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4, 9, 10, 11, 12, and 14 above to the State and, therefore, violated this requirement.

17. Respondent is 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 State that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152-155. Respondent failed to prepare a complete CCR for calendar year 2007. Specifically, the CCR did not include information on sampling results for volatile and synthetic organic contaminants, nor did it include a complete list of 2007 violations and, therefore, violated this requirement.

### **ORDER**

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order unless another deadline is specified:



18. Respondent shall monitor the system's water for nitrate annually as required by the drinking water regulations. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking regulations. 40 C.F.R. § 141.31(a).

19. Respondent shall monitor the system's water for total coliform bacteria monthly. 40 C.F.R. § 141.21.

20. Respondent shall comply with the total coliform MCL. 40 C.F.R. § 141.63.

21. 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.

22. Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b). 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.

23. Within 30 days, and annually thereafter, or according to monitoring requirements established by the State, Respondent shall monitor the system's water for lead and copper contamination between June 1 and September 30. 40 C.F.R. § 141.86(4)(iii).

24. Within 30 days, and per the regulations thereafter, Respondent shall monitor the system's water for pesticide/herbicide contamination. 40 C.F.R. § 141.24(h).

25. Within 30 days, and per the regulations thereafter, Respondent shall monitor the system's water for inorganic contaminants. 40 C.F.R. § 141.23(c)(1).

26. Within 30 days, Respondent shall begin monitoring the system's water quarterly for radium-228 until notified by Utah DEQ to discontinue, and per the regulations thereafter. 40 C.F.R. § 141.26(a).

27. Respondent shall report any violation of the total coliform MCL to EPA and the State by the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

28. Within 30 days, Respondent must provide public notice of the violations specified in paragraphs 4 through 12 above. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Respondent must issue a repeat notice every three months for as long as the violation persists. Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. §§ 141.201 *et seq.*

29. Respondent shall report any failure to comply with coliform monitoring requirements to EPA and the State within 10 days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

30. Respondent shall report any other violation of the drinking water requirements to EPA and the State within 48 hours (except where a different reporting period is specified in paragraphs 27 and 29). 40 C.F.R. § 141.31(b).

31. Within 30 days of receipt of this Order, Respondent shall prepare an annual CCR for the system for the calendar year 2007 and distribute it to the system's customers, EPA, and the State. Respondent shall include all required information in the CCR, in accordance with 40 C.F.R. § 141.153. Respondent shall prepare and deliver its CCRs by July 1 of each year thereafter, in accordance with 40 C.F.R. §§ 141.152-155.

32. Respondent shall report any analytical results to EPA and the State within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

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

Mario E. Merida, 8ENF-W    AND  
U. S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Patti Fauver, Rule Manager  
Dept. Environmental Quality  
P.O. Box 144830  
Salt Lake City, UT 84114-4830



**GENERAL PROVISIONS**

34. 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.

35. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 29<sup>th</sup> day of June, 2009.

David Rochlin

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

Diane L. Sipe

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



# Instructions for Unresolved Total Coliform Notice – Template 2-1

## 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 (141.203(b)). Persistent total coliform problems can be serious. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all requirements. You must issue a repeat notice every three months for as long as the violation persists.

Community systems must use one of the following methods (141.203(c)):

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

Non-community systems must use one of the following methods (141.203(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 (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. If you modify the notice, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

### Description of the Violation

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.

<b><u>If You Take Less Than 40 Samples a Month</u></b>	<b><u>If You Take More Than 40 Samples a Month</u></b>
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 are taking. If you know what is causing the coliform problem, explain this in the notice. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are increasing sampling for coliform bacteria.
- We are investigating the source of contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We will inform you when additional samples show no coliform bacteria.

Make sure to send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days after issuing the notice (141.31(d)). It is a good idea to inform your consumers when the violation has been resolved. See Template 1-8 for a "problem corrected" notice template.

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Tests Show Coliform Bacteria in [System] Water

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

We routinely monitor for the presence of drinking water contaminants. We took [number] samples for coliform bacteria during [month]. [Number/percentage] of those samples showed the presence of coliform bacteria. The standard is that no more than [1 sample per month/5 percent of our samples] 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.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. 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 immediately. 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 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.** If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.

### What is being done?

[Describe corrective action.]

We are still detecting coliform bacteria. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] 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 [system]. State Water System ID#: \_\_\_\_\_.  
Date distributed: \_\_\_\_\_.



### Template on Reverse

Failure to comply with a testing procedure requires Tier 3 notification. You must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple testing 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 seven days (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 Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met (141.204(d)).

This example is for a holding time violation. It will need to be modified for other types of testing violations. However, you must 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 is a step commonly taken by water systems with a holding time violation. You can use the following language, if appropriate, or develop your own that is specific to your testing violation:

- On (date) we collected (will collect) a new sample of our finished water in order to have it analyzed for (contaminant). We sent (will send) the sample to the certified laboratory via courier to ensure that the sample arrived within the allowed holding time.

### 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)).

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Monitoring Requirements Not Met for [System]

Our water system violated drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*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 [compliance period] we [did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] 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 contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
VOCs <sup>1</sup> (example)	1 sample every three years	0	2000-2002	February 2003

#### What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] 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 [system]. State Water System ID#: \_\_\_\_\_.

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

<sup>1</sup> VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the VOCs. VOCs are commonly used in industrial and manufacturing processes. VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethane, trans-dichloroethane, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachloroethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.