



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 MAY 12 AM 10:38

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

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 84114-4830

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2011-0038**
Cove Waterworks Company
Public Water System
PWS ID # UTAH03006

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

2006 - 2009

Failure to prepare and deliver an annual Consumer Confidence Report (CCR) [40 C.F.R. §§ 141.152-141.155]

2009	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
November 2006, August 2009, November 2010	Failure to take five routine samples following a total coliform positive sample the preceding month [40 C.F.R. § 141.21(b)(5)]
June 2009	Acute maximum contaminant level (MCL) violation for total coliform bacteria [40 C.F.R. § 141.63(b)]
October 2006, May 2008, July 2008, July 2009, October 2010	Failure to take four repeat samples within 24 hours of being notified of a total coliform positive routine sample [40 C.F.R. § 141.21(b)]
June 2008 June 2009	Exceedance of the total coliform MCL [40 C.F.R. § 141.63]
October 2010	Failure to collect at least one water sample from each source in use after a total coliform positive result as required by the Ground Water Rule [40 C.F.R. § 141.402(a) and (c)]
2007-2010	Failure to provide public notice of above violations [40 C.F.R. §141.201 <i>et seq.</i>]
2006-2010	Failure to report above violations to the State [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2), and 141.31(b)]

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.

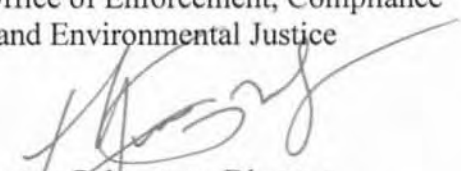
If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Shawn McCaffrey at 800-227-8917, extension 6515 or 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,



Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Water Technical 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)
Sherwin Larsen, Registered Agent, Cove Waterworks Company
Randy Larsen, Cove Waterworks